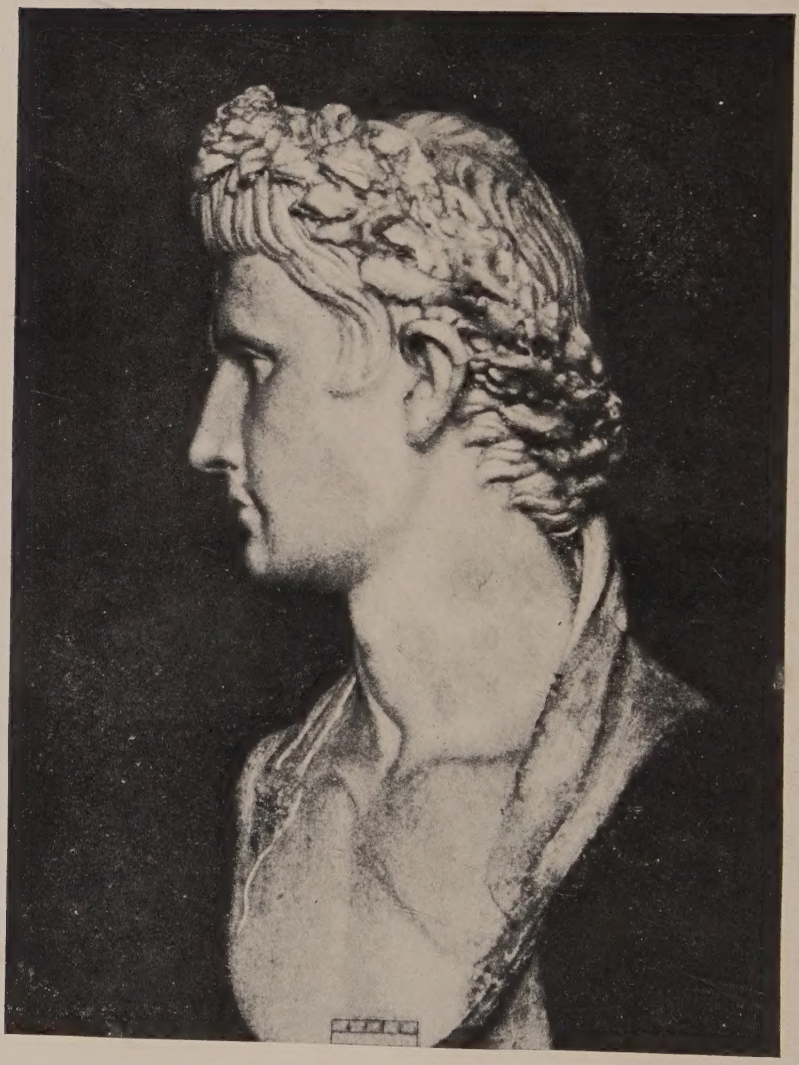
For
Inscription
"The Chief among
Inorganic Ions."
From
G. V. Pahlajani
Christmas
1944.



Augustus

This bust of Augustus, now in the Glyptothek, Munich, is an impressive but probably an idealized likeness.

Rome and the World Today

A Study, in Comparison with Present Conditions, of the Reorganization of Civilization under the Roman Empire which Brought to a War-worn World Two Hundred Years of Peace

By

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Illustrated

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PREFACE

THAT one who makes no claim to extensive classical learning or to experience in the writing of history should try to thresh over the apparently well threshed straw of Roman history, would seem to require some explanation. This can best be given by a brief statement as to how I became interested in one period of the "long glories of majestic Rome," and why I have tried to interpret its meaning.

Though I had "seven years of Latin," including a study of Roman law and Roman history, I developed no continuing interest in any of these subjects, and in the absorbing work of an active professional and public life I proceeded to forget the greater part of what I had learned about all of them. But in 1908, through a speech of Theodore Roosevelt, my attention was attracted to Ferrero's notable work, *The Greatness and Decline of Rome*, which I read with keen interest. Ferrero supplements his great fund of histori-

cal information with a brilliant reportorial ability which enables him to make one feel as well acquainted with the outstanding figures of Roman history as we are, through the pages of our daily press, with the leaders of our own time. But while I enjoyed Ferrero, I did not agree with all of his conclusions and particularly did it seem to me that he failed to realize and appreciate the importance of the reorganization and reform of government and society that was accomplished in the last half century of the Pagan Era, and the ability, wisdom and effective service of Augustus Cæsar, the leader in this important period.

To settle in my own mind the question of the correctness of my opinion, I read Gibbon again and other writers of Roman history, and while I did not find much in the way of opinions to support my view, I did find much in the way of facts. So strongly did I come to feel on the subject that I proposed to the manager of one of the leading Chautauqua and Lyceum associations under which I was then occasionally making addresses, that I deliver a lecture on Augustus Cæsar as the greatest statesman in the history of the world. The manager rather discouraged this plan by suggesting that the public was more interested in hearing from me on railroads, trusts, politics and official affairs.

While I accepted this admonition, so far as lectures were concerned, I continued to indulge myself in the pleasure of investigating the

question that had aroused my interest; and in 1913 I was delighted to find in an attractive work, *The Grandeur that was Rome,* by J. C. Stobart, Lecturer in Trinity College, Cambridge University, a substantial confirmation of the opinions that I had formed. With this encouragement, I continued during the stimulating leisure of an extended period of illness to occupy my time with a further investigation of the subject, and when in 1917 I became a lecturer in the Law School of the University of Colorado, I found an opportunity to present for the consideration of both popular and academic audiences the conclusions that I had reached as to the importance to civilization of the work of regeneration and reform accomplished under the leadership of Augustus. These lectures, rewritten and somewhat enlarged, constitute the basis of this work.

I would not, however, have had the courage and the industry to try to prepare them for publication in book form, but for two facts: It seemed to me that the situation that existed in the last half century of the Pagan Era presented something of an analogy to the disorganization of European civilization resulting from the World War and that the manner in which similar dangers were then successfully met and peace and prosperity brought to the world for two hundred years made the history of that period of some value and importance to the world today.

How this great peace, which is known in history

as the *Pax Romana*, was established and maintained, how the apparently natural and necessary condition of war that had existed for over one hundred years was finally brought to a close, are questions that properly come to the mind of the reader and which it will be my purpose to answer. For I feel that in the methods of reorganization then adopted there are some useful lessons for those who are now trying to preserve the peace of the world, restore the waste and disorganization of war and avoid the breakdown of government and society which has overwhelmed Russia and threatens to overwhelm other countries of Europe.

The other influence that prompted me to rewrite and rearrange these lectures for book form was the very kindly reception given them by both popular and university audiences. The assertion is often made that the American people are not interested in history. But the active and intelligent interest shown by my audiences in these lectures has caused me to believe that a substantial portion of the American people are interested in history and believe that we have something of value and importance to learn from the lessons of the past.

It has not, however, been my intention so much to try to write history as to interpret its meaning. The defect and weakness of most of the histories of Rome, as I see it, is that those who have written them have reproduced what the ancient historians give as their opinions of what happened without

careful investigation and comparison of these opinions with what really did happen. The opinions and conclusions of historians rather than what generals, statesmen, armies and the people did, have thus come to be for us the history of the past.

As most of the ancient historians were rhetoricians and moralists and usually wrote under the strong influence of personal or political prejudices, many of their conclusions and observations are clearly unsound. The absence of scientific knowledge and methods was the chief weakness of ancient civilization and this was as true in the writing of history as it was in industry, government, medicine and other activities. With every official record available for examination, these ancient writers preferred to make their record of the virtues and achievements of an Emperor or a general from the panegyric of some courtier and the list of their weaknesses and vices from the gossip of an enemy. One historian, in the first or second century, with the industry and scientific methods of James F. Rhodes, would have given us an entirely different idea of the history of Rome. It is Ferrero's refusal to comply with these conventional methods that has made his works so interesting.

Another cause of confusion and misunderstanding in the study of Roman history is the fact that most of the histories of ancient times have been written by classical scholars. It is natural that

they should have been more attracted by the remarkable achievements of Greece in literature, architecture, sculpture and philosophy than those of Rome in war, government, jurisprudence, engineering, commerce and industry. And it is also natural that they should give Rome's literary and artistic achievements a position of preference over her more substantial achievements in other regards.

And then Rome is "so vast a fact," her activities were so varied and her achievements so notable that every generation can find something new in her record and every one who represents a different interest can find something of value and importance. But so far as I know, lawyers and men connected with public affairs have confined their writings on Roman history to government and law and along lines interesting principally to the lawyer and the student. The result is that Roman history has appealed more to the specialists than to the general public and it is frequently out of proportion. There have also crept into it, as into most history, a good many fictions which are entitled to respect only for their age. While I do not flatter myself that I can correct many of these mistaken conclusions and disproportions, I hope that some better and clearer understanding can be gained from what I have written of one of the most important and interesting periods of the world's history.

While the opinions that I express are based on recorded facts of history, this is frankly a deriv-

ative work in which I have not hesitated to rely on recognized authorities for confirmation of my views. Particularly is this true of the work of Professor Stobart and the comprehensive history of the early Empire by Merivale, which I regard as one of the best histories of this period.

Rome lasted for so many years and her social and industrial conditions and the form and methods of government varied so greatly in different centuries that general statements, while true of one period, may be untrue when applied to another. When not otherwise qualified, my statements as to Roman society and government must be understood as applying to the time of Augustus. While I have tried to write what will deserve and receive the approval of classical scholars, I have not tried to write a work of historical reference or to preserve at all times a legal accuracy and exactness of statement. Thus, I generally refer to Caius Octavius as Augustus, as that is the name by which he is known in history, although he did not receive this complimentary designation until he had been in public life nearly twenty years. Though the Princeps is the historically accurate term for Augustus and his successors for over two hundred years, I have generally, for the sake of convenience of designation, referred to them as Emperors. The illustrations are inserted not simply to interest the casual reader but to emphasize or to support some statement in the text. Rome has revealed herself to the world by her

statues, her buildings and her monuments, as well as by her conquests, her literature and her laws.

I have tried to present my facts with such reference to present day conditions as will make them of interest to well informed men and women who have no particular interest in or knowledge of Roman history. Usually I have preferred to let the facts suggest the comparisons rather than to state them. I have, however, endeavored at least, to suggest comparisons with the present, for I have a deep conviction that the life and experiences of the people of one time are of value and importance to all who come after them. Particularly do I believe this is true of that remarkable race, who nearly two thousand years ago extended their dominion, their civilization and their culture over the Mediterranean basin and western Europe, and who preserved and used the achievements of all past civilizations and transmitted them to the modern world. And I find a responsible confirmation of this view in the statement of James Bryce, former Ambassador from Great Britain to the United States:

> The longer one lives the more one is impressed by the close connection between the old Greco-Italian world and our own. We are still very near the ancients; and have still much to learn from their writings and their institutions. The current of study and education is at present setting so strongly towards the sciences of nature that it becomes all the more needful for those who value historical inquiry and the

literature of the past, to do what they can to bring the old world into a definite and tangible relation with the modern times, a relation which shall be not only stimulative, but also practically helpful.

In the great quest for human happiness and justice, nothing that has been accomplished in establishing organized government and society is without its value and importance.

In the revision of these lectures for publication I am indebted to Mr. Lee Taylor Casey, former instructor in journalism in the University of Colorado and now of the *Rocky Mountain News*, who has, for a number of years, indulged himself in the study of Roman history. Entertaining views somewhat similar to my own, he has been able to give me a very substantial assistance. I want to acknowledge my obligation to Dr. George Norlin, President of the University of Colorado, formerly Professor of Greek; to Dean F. B. R. Hellems, of the College of Arts and Sciences, and formerly Professor of Latin and Roman History; to Dr. Milo G. Derham, Professor of Classics, and to Dean John D. Fleming, of the Law School of the University of Colorado, for their helpful criticisms and encouragement. I am also indebted to Mr. William Allen White and to Mr. William Mac Leod Raine, for the friendly criticism and practical suggestions of experienced writers; to Mr. C. Henry Smith, Librarian of the University of Colorado, and to Mr. Chalmers Hadley, of

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Herbert S. Hadley.

University of Colorado
August 25th, 1922.

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ROME AND THE WORLD TODAY

ROME AND THE WORLD TODAY

CHAPTER I

HAVE WE ANYTHING TO LEARN FROM HISTORY?

THE disorganization of European civilization resulting from the waste and destruction of the World War has made the problem of reconstruction and of providing for the maintenance of peace the most important questions that today confront the world. Even after four years of nominal peace, government, industry and society do not function as they did before the war and how best to preserve the peace of the world is still a subject of controversy. In dealing with these problems, have we anything to learn from the experiences of the past? Has a situation ever existed sufficiently similar to make it worth while to consider the lessons of history?

In the early days of our national life it was much the fashion to draw conclusions and lessons from classical history, but nearly a hundred years ago that practice fell largely into disuse. Von Holst, in his *Constitutional History of the United States,*

attributes the decline of this practice to the ignorance of our public men concerning the facts of history; but in addition to this cause, we had come to feel that our civilization was so firmly established, that the dangers that threatened it were so innocuous as compared with those that brought about the fall of the nations of antiquity, that we had little to learn from the record of their greatness and decline. Since we have seen Russia, a nation of nearly one hundred and fifty millions of people, suffer a practical breakdown in its civilization and culture, and the same fate threaten other nations of Europe, there has been more disposition to examine the records of the past to see what there is therein of benefit and instruction for us today. Though historical analogies usually present more points of difference than of resemblance, yet a war never leaves a nation where it found it and war in all ages has been the great destroyer and the great disorganizer. And then, human nature, to which measures and methods of government must always be adjusted, has continued practically unchanged throughout the centuries.

The period following the Napoleonic Wars is the one most frequently referred to as presenting a situation similar to that which now confronts the world, and points of resemblance are not wanting between that period and the present. But the condition of the world in the last half century of the Pagan Era presents more resemblance and analogy than any other period of history to the

situation and conditions produced by the World War. In the last half century of the Pagan Era the world had come, as a result of a century of war with frightful destruction of life and waste of property, to a condition of disorganization which threatened the breakdown of civilization.

Rome had by this time, through wars of conquest and aggression, established her dominion over the Mediterranean world and western Europe. Spain, Gaul (which included what we now know as France, Belgium, Holland, Switzerland and parts of Germany), Macedonia, Greece, Asia Minor, Syria, Northern Africa and Egypt had acknowledged her rule and all these nations had felt the devastating and disorganizing effects of war. The literature of the period gives abundant evidence of the yearning that the people of all nations had for peace and their fear of the threatened destruction of civilization and culture unless peace came to the world. While philosophers and statesmen in all ages have been accustomed to indulge in doleful predictions as to the future, those made by the leaders of this period were based upon an actual disorganization of government, industry and society, concerning the existence of which there could be no question and as to the danger of which there could be no doubt.

The question naturally presents itself, whether there are sufficient points of resemblance between the civilization and culture of that period and the present to make the experience of the world then

of value and importance to the world today. While it is not difficult to find points of difference between their civilization and ours, theirs had more points of resemblance to our own than any that had existed before or that existed in succeeding periods up to the nineteenth century. There have been in fact but two great civilizations of the same general kind and character: Roman civilization, which began about three hundred years before the birth of Christ and lasted down to the latter part of the fifth century and the European civilization of the present day, of which we in America are a part. The government of Rome, national, provincial and municipal, was organized along much the same lines as the constitutional monarchies and republics of today. Roman law, like that of England and the United States, had a basis of fundamental rules on which was builded a superstructure of legislative enactments and court decisions. Industry, commerce and finance were conducted with the assistance of a monetary system based on gold and silver and by the use of commercial credits. Improved roads connected all parts of the empire and a postal system on land and sea furnished opportunity for the transmission of information. Not only Rome but the large cities throughout the empire had systems of sanitation, sewerage and water supply similar to those of the present day; and these cities were adorned with temples, monuments, palaces, arches and statues, the ruins of which are both the

inspiration and the despair of builders and artists of modern times.[1]

Industry was based on what the modern socialist would call a capitalistic system and, in addition to the slaves, there was a large industrial class of artisans and workmen. The right to the private ownership of property was the basis of industry and civilization. Agriculture was conducted in much the same way as it is today and works by scientific agronomists which were recognized as authority then could be issued by our Department of Agriculture with only a change of dates and names of localities.[2] Banking played an important part in the affairs of business and government, and rates of interest varied by reason of the same influences that affect rates of interest now. Religion was under the sanction and authority of the state but any religion was tolerated, in fact welcomed, if it did not result in sedition and treasonable conduct on the part of its votaries.[3]

[1] The city of Rome in the heyday of imperial power has been compared in its beauty and magnificence to what we have seen in miniature in our modern international exhibitions, with the exception that the gilt and the stucco of these exhibitions were substituted for the gold and marble of the public buildings of Rome.

[2] It is interesting to note that Mr. Herbert Hoover and Mr. Fairfax Harrison, President of the Southern Railway Company, have made translations of Roman works on agriculture for modern use.

[3] The attitude of Rome toward the Christian religion is succinctly stated in the well-known correspondence between Trajan and the younger Pliny. The conflict of Rome with Judaism and Christianity was largely due to the unwillingness of the Jew and the Christian to recognize the official and religious authority of the emperor and to make their religious devotions and sacrifices accordingly.

The courts were open to all litigants who desired the adjudication of a civil controversy or a criminal charge, and while their system of jurisprudence was in many ways inferior to ours, the same general principles were common to both—a jury or referee for the trial of issues of fact, and judges for the decision of issues of law. Differences in conditions of transportation and transmission of information furnish perhaps the most striking contrast; but land transportation was far better then than in this country or in modern Europe up to the coming of the railroads, and water transportation was as safe and rapid as that which the world was to know up to the time that Copernicus gave to navigation the security and direction of the mariner's compass.[1]

While lack of knowledge and instruction along scientific lines constituted a fundamental weakness of ancient civilization, "Education," according to a leading British educator,[2] "was more general and more accessible to the poor in A.D. 200 than in A.D. 1850." Education, except in the sciences, would compare favorably with that of modern times. Our modern newspaper was lacking in the life of Rome, but the modern newspaper depends on rapid transportation and transmission of news

[1] During the first century of the Christian Era grain boats capable of carrying 1000 tons of grain operated between Italy and Egypt and when Cato was demanding the destruction of Carthage he exhibited before the senate fresh figs that had been brought from Carthage in less than forty-eight hours.

[2] J. C. Stobart of Cambridge University.

for its existence. The Roman government issued a daily bulletin of events of interest and importance such as Mr. Bryan has advocated should be issued by our government; and the business of professional letter-writing for the transmission of news kept men of means and official prominence fairly well informed as to what was going on.

Slavery had a marked influence on Roman life in all its phases and departments, but the slavery of that period was different from the slavery that we once knew in this country. It was more a form of peonage and carried with it no such mark of inferiority or disgrace as the slavery of later times. About six years was the average period that an individual remained a slave,[1] and freedmen and freedwomen often rose to positions of wealth, influence and power. Its influence was unquestionably bad but it was less demoralizing, both to slave and master, than the African slavery that existed in this country up to 1865.

The marriage relation, though different in certain particulars from that which exists in western Europe and in our country, yet resembled far more closely modern marriage relations than any that had been known before; and the authority of the father over his household constituted a strengthening and beneficial influence in society.

[1] Cicero, Philipp., VIII., II. So strong and general was the desire on the part of owners of slaves to grant them freedom that it seemed to Augustus advisable and necessary to restrain this practice by imposing by two different laws a tax on the manumission of slaves.

Public games and amusements, particularly gladiatorial combats, have come in for a large measure of criticism and yet the latter were by no means as frequent as historical writers would have us believe. On the whole, the indulgence of the people in public festivals, attendance at chariot races, athletic contests, sham battles, public pageants and theaters constituted a salutary and beneficial influence upon the social life of the nation, and the gladiatorial combats, while objectionable from the standpoint of our morals and religion, were not without their redeeming influences.

Their civilization and culture were superior to any that the world had known before or knew later up to the middle of the nineteenth century. Comforts and conveniences of life for the well-to-do were equal or superior to those which were available in Europe or the United States up to the middle of the last century,[1] while the condition of the artisan and middle classes does not suffer by comparison with the condition of these classes in modern times.

The chief points of distinction between the civilization and culture of that day and this arise from the use of gasoline and steam engines and electrical power. If these three agencies which

[1] The houses of the well-to-do were heated in winter by hot air furnaces and running water was as common in Roman residences as in our country today. In both of these regards Roman houses of the first century were better equipped than Roman houses of today.

The Forum Restored

This restoration of the Roman Forum, by Professor Becchetti, presents less than a third of the temples, basilicas, arches, and porticos of the Forum in the latter part of the second century. The arch of Septimus Severus at the right of the illustration alone remains.

have been put to such varied and important uses through the skill and ingenuity of modern science, could be banished, life in the twentieth century would not be essentially different from what it was in the first century of the Christian Era.[1] Although the germ theory of disease has, to a large extent, made man the master of those great plagues and epidemics which exacted such a heavy toll of life in ancient civilizations, yet without this knowledge many of the practices of modern sanitation and hygiene for the prevention of disease were used empirically two thousand years ago.

The population of the Roman Empire emphasizes further points of resemblance between its civilization and culture and that of the present day. A small and scattered population requires, of course, a less thorough and effective organization of government and industry than a numerous and congested one. The feeding, clothing, housing, policing, and the maintenance of the health of large communities can be accomplished only by such an organization of government and industry as has characterized advanced civilizations.

It is difficult to reach a satisfactory decision as to the population of the Roman Empire and its

[1] The invention of gunpowder and explosives constitutes one of the distinguishing features between ancient and modern civilization. The conditions produced by the use of gunpowder and explosives in modern warfare makes it radically different from the warfare of the ancients; and yet the Roman legions were probably as effective a fighting force as any that the world knew up until the middle of the seventeenth century.

large cities. Estimates as to the population of the city of Rome vary from one-half million to four or five million.[1] The former is manifestly too small and the latter manifestly too large. Without going into an analysis of the figures and the theories upon which the population is estimated, it is reasonably clear that in the time of Augustus, Rome must have had a population of over a million, while Alexandria had over half a million and Antioch and Ephesus each had several hundred thousand.

[1] De La Malle, basing his calculation on the consumption of grain, estimates the population at 562,000; Merivale, arguing from the area of the city, increases the number to 700,000. Gibbon, using the number of *domus* or households as a basis, figures the number at 1,200,000. Bunsen sets the figure at 2,000,000, Hock at 2,265,000, Chateaubriand at 3,000,000 and Lipsius and Mengetti at 4,000,000. The estimates of Brotier and Jacobs agree with that of Gibbon. The most important data for estimating the population are however to be found in the statement of Augustus in the *Monumentum Ancyranum*, "In my twelfth consulship and the nineteenth year of my tribunitian power, I gave to 320,000 of the *plebs urbana* (city plebs), sixty denarii apiece." The plebs consisted of male citizens of military age, (that is between the ages of seventeen and sixty years), exclusive of senators and knights. United States census figures show that men of the ages included in the Roman plebs constitute 31.6 of the total population. With this estimate as a basis, the population of Rome in the time of Augustus would be approximately 1,000,000, exclusive of senators, knights, slaves and *peregrini*. As these four classes were by no means inconsiderable in numbers, the population of Rome at this time must have been at least 1,250,000, and in the time of the Antonines it must have been from a quarter to half a million more. It is difficult to understand why this simple method of approximation has not been used before.

It is curious that, although the census of Roman citizens of military age (that is between seventeen and sixty years) was frequently taken and recorded, we have no definite information as to the populations of any of the large cities or the Empire, although they must have been known. Consequently, estimates of population must be based upon the number of citizens of military age returned by the census; the territory covered by the cities, the number of occupants of each household; the size of the public works necessary for the supplying of food and water and sanitation of the cities. Rome, in the zenith of her population and power, received her water supply through nine aqueducts, three of which supply the modern city.

The population of the Empire is even more difficult to estimate than the population of the cities, although there was the same trend toward the congestion of population in large cities in the first and second centuries of the Christian Era as is now manifesting itself in Continental Europe and in the United States. The population of the Empire has been estimated all the way from 85,000,000 to 150,000,000. It doubtless was greatest in the time of the Antonines, after the conquests of Trajan had extended the limits of the Empire and before the plague which the soldiers of Marcus Aurelius brought back from Asia had exacted its terrible toll of human lives. At the beginning of the reign of Augustus, or rather when he took his first census in 28 B.C., there were 4,063,-

000 Roman citizens of military age, and in 14 A.D., the closing year of his long reign, the number of such citizens had increased to about five million.

Augustus was conservative in giving the rights of citizenship[1] so this increase must be largely attributed to the natural increase in population by reason of the peace and prosperity produced by the changed condition of world affairs. By the close of the reign of Augustus the population of the Empire probably reached a total of one hundred millions of people. This population, approximately the same as that of the United States of America, lived in a territory about 2500 miles from east to west and 1200 miles from north to south, which also approximates the dimensions of our country.[2] But the population of the Roman Empire was more evenly distributed than is the population of the United States and the number of their large cities was much smaller than of ours.

Spain, Italy, Greece and the Balkan regions

[1] When Tiberius requested citizenship for a Grecian dependent Augustus wrote in reply that he would not grant it unless the applicant appeared in person and convinced him that he had reasonable ground for the request. And when Livia asked it for a Gaul from a tributary province he refused, offering instead freedom from tribute and declaring that he would more willingly suffer a loss to his privy purse than to prostitute the honor of citizenship. (Suetonius, Aug. xl.) This policy might with profit be followed by judges in this country who are charged with the duty of passing on applications for citizenship.

[2] Another interesting coincidence is that in the time of Augustus there were forty-eight provinces of the empire corresponding to our forty-eight states and they varied as much in size, industries and resources as do the states of our country.

were probably as densely populated then as they have been at any time since. The population of France, Austria, Hungary, Bohemia and the northern parts of the empire has, of course, increased in modern times over what it was even in the heyday of the empire. In Asia Minor, Syria, Egypt and Northern Africa, the population was unquestionably much larger then than at any previous or subsequent period of history. The ruins of Baalbek, Timgad and other cities located in the midst of what are now vast desert wastes, recalling the existence of splendid temples, monuments and public works, and pavements worn by the unceasing traffic of great populations, show beyond question how much more densely populated those regions were under the benign and well-organized government of the Roman Empire than they have ever been since.

The list of resemblances between Roman civilization and ours, as well as the list of differences, might be further extended, but enough has been said to show that what happened then is not without its meaning and interest to us today. As Lord Bryce says in his comparison of the British and Roman empires:

> Of all the dominions which the ancient world saw, it is only that of Rome that can well be compared with any modern civilized state. . . . Neither was there in the middle ages any far-stretching dominion fit to be matched with that of Rome.

Ferrero finds a closer comparison between the Roman Empire and the United States:

> One would have thought, [he says], that America is too far away from Rome and too much occupied with the present to feel interest in the distant past. But this is a mistake. In many matters the United States is nearer than Europe to ancient Rome. . . . An American understands easily the working of the old Roman state because he is a citizen of a state based on the same principle.

While Rome had, by the last half century of the pagan era, established her dominion over the territory extending from the North Sea to the Sahara and from the Atlantic to the Euxine, her conquests were not consolidated and her rule was not fully recognized. To the north lay Gaul, not yet organized or pacified, filled with rebellious and sullen tribes held in restraint by the memory of the million lives claimed by Cæsar in his conquests and the equally large number captured and sold into slavery. To the west lay Spain, partly under the control of Sextus Pompey, who with a fully organized fleet manned by pirates and escaped slaves, dominated a large part of that country and the waters of the Mediterranean. Across the Adriatic, Rome's dominion had not extended far from the seashore, and Italy lived in terror of an invasion from that quarter until Augustus' generalship extended Roman dominion to the Danube.

Greece, poverty-stricken, her population de-

creased and enfeebled by long centuries of civil and foreign wars, was living on her past achievements and glories. In Asia Minor the kings and local rulers still resentful over the punishment inflicted by the legions of Sulla, Lucullus and Pompey were ready to follow the leader or the nation that seemed most certain of success. Egypt, with a decaying dynasty which it had inherited from Alexander's conquests, was ready to go with all its wealth as a pawn of war to the victorious general or nation. Northern Africa had felt the devastating force of wars in addition to the destruction of the once proud and prosperous city of Carthage.

Italy, torn and devastated by the repeated wars that had been fought upon her soil, was apparently poorly fitted to furnish the soldiers or the leadership to bring peace and order and prosperity to a world that had almost fallen to pieces. And yet, Italy alone, of all the nations of the world, gave to civilization its one hope that the old order would not continue and that the world would enter into that period of peace and plenty for which men had yearned and of which poets had dreamed and sung.

Certainly civilization could not advance—it was doubtful even if it could endure—unless peace and order came to the world. One of two results seemed inevitable: either a general breakdown of civilization with that chaos and disorganization which came five hundred years later in the Dark Ages; or else there must come into the control of

world affairs some government strong enough to maintain peace and order under the leadership of men inspired by ideals of service to humanity rather than ambitions of conquest and power.

The defeat of Pompey at the battle of Pharsalus in 48 B.C. had apparently created an authority sufficiently strong and forceful in the person of Julius Cæsar to bring about world peace and unity. But Julius Cæsar, in his attempt to establish himself as king with none of the safeguards and protections incident to monarchy, had invited the fate which befell him as a result of his violation of the traditions of five hundred years of national life. And when Brutus and Cassius opened again the Pandora box of controversy and confusion by the assassination of Cæsar, the situation seemed more hopeless than it had ever seemed before.

Some respite came following the battle of Philippi and the division of the world between Antony and Octavius, but the final hope of a reorganization and regeneration of government, industry and society did not fill the hearts and minds of men until the battle of Actium, 31 B.C., made Octavius the sole master of the world. When Antony fled with Cleopatra in humiliation and defeat from that epoch-making contest, and when later he died a movie actor's death in the arms of his paramour, for whose love he had sacrificed a possible world dominion, then there came again that unity of authority and power which gave hope of the renascence of a disordered world.

Bridge at Rimini

This marble bridge over the River Marecchia in Rimini, the ancient town of Arminium, in northern Italy, was built by Augustus and is today in use in a good state of preservation. It shows the substantial and permanent character of Roman public works.

How that authority and power was used in the recreation of civilization, in the restoring of the broken fragments of government and society; how peace was established within the empire and with other nations; how a new constitution was adopted; industry and commerce encouraged and made prosperous; law and morals reformed; vast public works and magnificent public buildings constructed; and a great revival of religious and patriotic feeling accomplished, strengthening government and society—of all these, it will be the purpose of this work to tell.

As we contemplate the peace, order and prosperity of the early empire, with its strength and justice of government and law it is difficult to realize the disorganization and confusion which had existed less than half a century before. When this contrast of conditions is properly understood and considered, it is not an extreme or unwarranted statement to assert that the quarter of a century which began with the battle of Actium in 31 B.C. is the period of the greatest work of regeneration of government and society that the world has ever known. And that Caius Octavius, known in history as Augustus Cæsar, was the man under whose leadership and direction this work of reorganization was carried to a successful conclusion, entitles him to a place of prominence among the great reformers and constructive statesmen of all time.

What were the methods by which this era of peace and prosperity was inaugurated and what

were the formulas by which it was maintained? Was peace based on a League of Nations or international arbitration? Or is the explanation to be found in the fact that a world state had come into existence with a central authority strong enough to maintain order within and prevent attack from without and just enough not to oppress the people or to wage wars of aggression against other nations. This last may seem the simple and correct explanation, but there is something more in the situation than this. In aid of the policy of domestic and international peace there were the beneficent influences arising from a reorganization and just administration of government, a reform of law, morals and religion, a renaissance of learning and a revival of industry, agriculture and commerce. It is upon such social and economic foundations that peace must always depend.

That Rome, after two hundred years of wars of conquest and aggression, followed by a policy of colonial plunder and oppression; after one hundred years of civil war and strife, followed by bloody proscriptions and a disorganization of industry, commerce, morals, government and religion, could change her national purposes and ideals in the lifetime of one generation, and enter upon a mission of civilization and justice that brought peace and prosperity to the western world for two hundred years, constitutes Rome's great message of hopefulness to the world today.

During the last fifteen hundred years Rome has

served to point many a moral and to enforce many a useful lesson, but seldom, if at all, has her record of achievement been used to point the world the way to lasting peace. If such a work could have been accomplished then, can the world prove unequal to this problem today?

CHAPTER II

A CENTURY OF WAR

ROME is so vast a subject, her power and glory persisted through so many years, she extended her dominion over such a great extent of territory, and touched and influenced so many human lives, that it is difficult to summarize her varied activities and achievements. If one says anything, it seems necessary to say more than can be said in a work of this character. But to understand the work of regeneration and reform accomplished under the leadership of Augustus, some understanding is necessary of the origin and development of Roman power and of the last century of the Republic. Particularly is this true of the last century of the Republic as there is a more general misunderstanding of this than of any other period of Roman history.

The easy conclusion has been reached by many historians, as well as by the general public, that, since Rome grew in greatness and power under the Republic and suffered a decline and fall under the Empire, the former was a wholesome and admirable period of national development, while the latter was a time of national disintegration and

decay. Hence the period of the Republic has usually been accepted as one worthy of praise and imitation, while the period of the Empire has been regarded as a proper subject for pathological investigation, when a great people were steadily declining in morals and civilization and sinking into the disorder and chaos of the Middle Ages. Nothing could be further from the truth.[1] The last century of the Republic can be justly regarded as one of the worst centuries in the history of the world. It was a century of wars, foreign, civil, social and slave, which stirred the worst passions of the human mind and heart. Foreign conquests resulted in the enslaving of a large part of the populations of the defeated nations and merciless exactions and penalties were imposed upon the survivors. Civil and social wars were followed by a dreary list of bloody proscriptions that claimed many of the best and most capable among the Roman leaders. Slave wars were followed by wholesale slaughter and crucifixion of captured slaves that must have shocked even an age accustomed to torture, bloodshed and death.

Along with the great loss of life and the oppression and cruelty incident to Rome's foreign and civil wars, there was a destruction of property, a

[1] This attitude toward the period of the Republic and the Empire is also an example of what has been called "the tyranny of names." Since the development of civilization has been toward the establishment of representative government it has been assumed that the transition from the Republic to the Empire in Rome marked a period of retrogression.

disorganization of industry, commerce and government, which all combined, threatened a practical breakdown of civilization. The future of the world was never more uncertain, never more precarious than in those disturbed and trying years between 49 B.C. when Julius Cæsar crossed the Rubicon, and the battle of Actium nearly twenty years later, when a unity of government and control was finally established for western Europe and the Mediterranean world.

These two decades witnessed the death throes of the old Republic. But the next twenty-five years were to witness the establishment of a new system of government that was to endure at Rome for five hundred years and to bring to the western world its greatest period of peace, and prosperity; that was to preserve all that civilization had achieved before and to bequeath much to the civilization of the future.

Lest these views, which are somewhat at variance with much of the accepted opinion as to this period of history, may seem unwarranted, I will review briefly the story of Rome's rise to power and the history of the last century of the Republic. That "Rome was not built in a day" is, as a distinguished English classical writer has said, about the only thing we know of the origin of Rome. The origin of the Romans is equally shrouded in doubt and uncertainty. That they were a people who were found in no other place in the world; that the Latin language was found in

no place except upon the Italian peninsula, are definite facts of history. How the Romans or the Latins reached Italy and developed customs, institutions and language different from those of other nations of the Mediterranean world, are matters upon which we have no definite information.

There was a striking contrast between the ancient Romans and the Greeks. While the Greeks, in their literature and mythology, glorified cleverness and artistic skill, the Romans glorified courage, steadfastness, virtue and that significant quality of the mind and heart which is described by the word *gravitas*. Many historians give to the dominant element in Roman citizenship a Gallic origin and it would seem that the division between the patricians and the plebeians was originally a racial difference, rather than a mere class or factional distinction among people of the same race and origin.

It is probable that the same process of racial development produced the Romans as has produced our own people. At the risk of seeming to indulge in national boastfulness, I believe it can be said that there is a striking resemblance between the busts and statues of the leaders in Roman history of the later years of the Republic and the early Empire and many of the public men of the United States a generation ago.[1] Cicero's coun-

[1] It is important to understand in connection with this suggested resemblance that Roman busts and statues were intended

tenance bears a noticeable resemblance to several of the former judges of the Supreme Court of the United States.[1] I knew a former Federal Judge who could have sat for a bust of Julius Cæsar and a judge of the Supreme Court of one of our leading states who could have performed a like service for Pompey. The bust of Mæcenas shows a face that can be found behind the desks of a number of the banks of any of our large cities and the likeness of Augustus, as presented by the statue of him in his senatorial robes, has had many a counterpart in our national congress. The photographic bust of Augustus as a boy made probably in the winter of 45 and 44 B.C. shows a countenance that can be seen on the campus of any American college or university. The resemblance between the women of the early Empire and American women of modern times is equally as marked. The ancient Romans were certainly not the mercurial, artistic, beauty-loving people that the Greeks were and they differ as radically, both in appearance and mental characteristics, from the Latin races of modern times.

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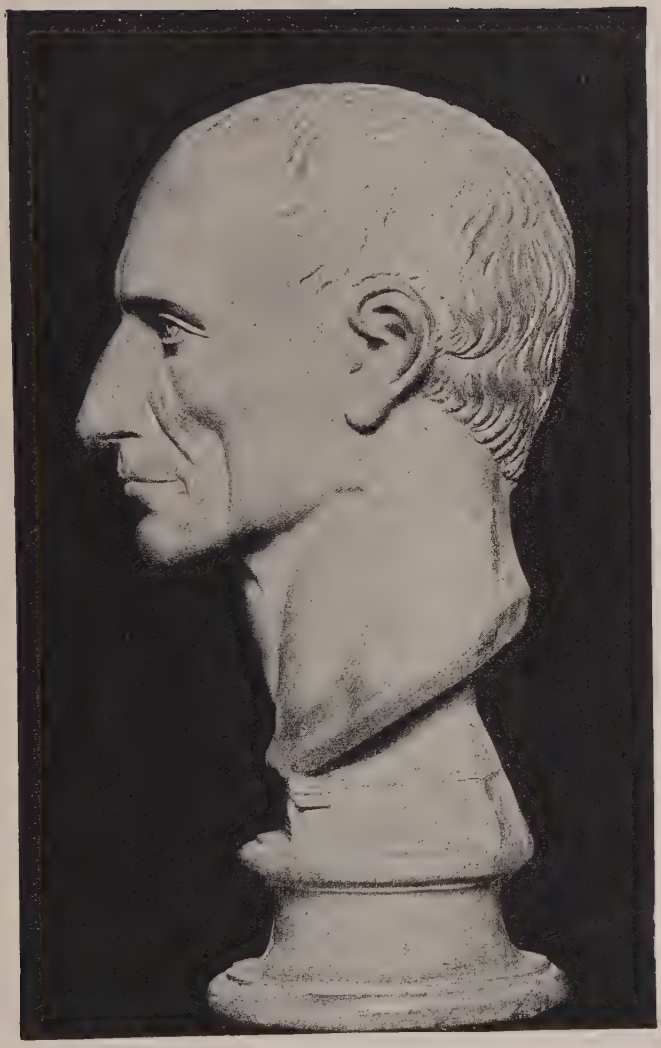
to produce a photographic likeness of their subjects, differing in this regard from the statues of the Greeks which were generally idealized.

[1] Justices Samuel F. Miller, Joseph P. Bradley, William Strong and John M. Harlan of the Supreme Court of the United States each had the same type of countenance as Cicero and their busts would not seem out of place in a gallery devoted to statues of Roman generals and statesmen. Is it to be taken as an indication that our national stock and character are changing, since such faces are not today found in our national congress and in our appellate courts as they were a generation ago?



Julius Cæsar

This bust probably presents the best likeness of Julius Cæsar as he appeared in the later period of his career.

From the marble bust in the British Museum

The story of Rome's rise to power and Empire is the greatest romance in all history. That a tribe of shepherds and small farmers living on the banks of the Tiber could, by wars, treaties and confederations, win control of Italy and then of the Mediterranean basin and of western Europe and organize and govern what they had won for a period of five hundred years, constitutes a record of achievement never equalled by that of any other people. But this story has been so often told that it need be repeated here only in outline; and besides this work is an attempt to interpret, not to write, history.

Roman history begins about the beginning of the fourth century B.C., though the Romans counted 753 years of national existence before the birth of Christ. 510 B.C. is given as the year of the expulsion of the kings and the establishment of the Republic and 451 B.C. as the date of the Twelve Tables, the first written laws of the Romans. We have a few other facts and dates before the fourth century and a great deal of tradition and romance, but we do not feel that we are on firm ground until after the conquest of Italy by the Gauls in 387 B.C. The invasion of the Gauls apparently bore more heavily on the Etruscans than on the Romans and doubtless broke the ascendancy which this mysterious people had up to that time held in the Italian peninsula. They then vanished from the page of history, though they left a deep impress on Roman life in the customs and traditions that Rome inherited from them.

The first period of Rome's wars following the Gallic invasion resulted in the establishment of Roman ascendancy in the Italian peninsula. These wars continued for over a hundred years and present a varying record of defeats and victories. But the Romans had something more of steadfastness, something more of determination and unquestionably a better leadership than the other tribes of Italy. As an incident of this war for Italian supremacy, Rome had an opportunity to try her military skill against a foreign power, and the result of that contest gave her the experience and confidence that caused her to challenge Carthage and launch forth on a career of world dominion.

Greece had, in the eighth century B.C., made settlements on the southern shore of Italy, and one of these settlements, the Greek city of Tarentum, alarmed by the growing strength of Rome, and fearing attack on account of the murder of some Roman sailors, summoned Pyrrhus, king of Epirus, regarded as the first general of the times, to her aid. Pyrrhus came over with an army of twenty-five thousand men, organized on the lines of Alexander's Macedonian phalanx, and twenty war elephants, which neither the Romans nor their shaggy little ponies had ever seen before. In the first battle both the Romans and their horses got scared at the elephants and ran away and many of them were killed. Pyrrhus, realizing however the fighting ability of the Romans, offered to make peace on liberal terms and his offer would

have been accepted had it not been for the opposition of Appius Claudius, the great censor, then blind and infirm with age, who declared for the first time that it should be the policy of Rome never to make peace with an enemy on Italian soil.[1] Unlike some modern statesmen, he was opposed to "peace without victory." Pyrrhus and his elephants were finally defeated and driven back to Epirus, where Rome was later to go on a career of conquest and victory.

The result of the war with Pyrrhus and the national policy established on the advice of Appius Claudius can be fairly regarded as launching Rome on a career of conquest and Imperialism. Not that Rome formally adopted or decided on such a policy, but as a result of this war, there came a feeling of confidence, an uncompromising spirit of aggression that was finally to secure for her dominion over western Europe and the Mediterranean world.[2]

To understand the extension of Roman domin-

[1] The temple of Janus in Rome was closed only in time of peace *after victory*.

[2] To Appius Claudius Rome owed not only the military policy which was the foundation of her Imperialism, but also the methods by which the Empire was made possible and successful. For he made public the laws of Rome so that all people could know their provisions and he built the first of Rome's great highways that later extended throughout the Empire, bound the provinces together and made possible Rome's dominion and control. The Appian way, Rome's first great highway, was named for Appius Claudius, who was responsible for its construction.

ion it is necessary to briefly outline the international situation when Rome won supremacy of the Italian peninsula and by the defeat of Pyrrhus became one of the leading powers of the Mediterranean world. She was not without formidable rivals, for four other nations could be properly described as major powers—Carthage, Egypt, Syria and Macedonia. In Egypt the Ptolemys, descendants of Alexander's general who took over the rule of that country on Alexander's death, maintained their power over the native population with a small mercenary army composed principally of Macedonians and Greeks. A similar situation existed in Syria where the Seleucids, descendants of another of Alexander's generals, ruled a territory that extended from the Ægean to India. In Macedonia another Philip of the House of the Antigonids was the ruling monarch and, with a well-organized army sought to maintain the traditions of the great Philip and Alexander, his greater son.

Carthage located in northern Africa was like Rome, nominally a Republic and as a colony of Tyre and Sidon, dated her history back to the ninth century B.C. The Carthaginians were a Semitic people and like their ancestors of Tyre and Sidon, were capable seamen. While they had some great military leaders, they relied principally on hired armies and allied nations for their fighting. The professed cause or pretext of the war between Rome and Carthage was a conflict of interests in

Sicily. Rome, victorious, masterful and confident after her Italian victories and defeat of Pyrrhus, did not want a rival in the western Mediterranean, and so in 264 B.C. there began the great duel between Rome and Carthage which was to last over a century and to end in 146 B.C. with the destruction of Carthage and the annexation of Africa, Spain, Sicily, Sardinia and Corsica as Roman territory.

The first Punic War lasted for over twenty years and witnessed Rome's first attempt to fight with ships upon the sea, a contest in which Carthage at first was easily victorious; but when Rome lost one fleet she built another and fought again. Finally both sides were exhausted and a treaty of peace was made giving a part of Sicily to Rome. She proceeded in violation of the treaty to appropriate Sardinia and Corsica, and Carthage was too busy with the suppression of a revolt of her hired troops to protest.

In 219 B.C. Carthage, with three able generals, Hannibal, his brother-in-law, Hamilcar, and his brother Hasdrubal, renewed the war. Italy was overrun from its northern to its southern boundary; Roman army after army was defeated and some captured and destroyed. Some of Rome's allies deserted her and her cause often looked desperate, but the old determination to consent to no peace without victory, to make no terms with an enemy on Italian soil, was religiously adhered to. And when finally Fabius, with his policy of

delay, had worn down the forces of Hannibal, and an army under the command of Tiberius Claudius Nero (a significant name in Roman history), had overwhelmed Hasdrubal, and Scipio had carried the war into Spain and then into Africa, Hannibal was forced to leave Italy to save Carthage from destruction. The battle of Zama, fought near Carthage in 202 B.C., was a great Roman victory and the terms of the treaty were as severe on Carthage as her defeat was complete. Spain was ceded to Rome; Carthage surrendered her fleet and agreed to pay an indemnity of a quarter of a million dollars a year for fifty years.

Philip V, King of Macedonia, had openly favored Carthage in this war, but he was unable to get his courage up to the point of effectively aiding her. Had he done so, Rome might have been overwhelmed and defeated. As it was, the situation had been sufficiently dangerous, so that Rome was unwilling that it should arise again. With Carthage broken and despoiled of colonial possessions, Rome turned to the East to end the danger of possible aid for Carthage from that quarter. In six years, 200 B.C. to 194 B.C., Philip was defeated and driven out of Greece and after Rome had tried various experiments for the government of that ancient country and had fought there another war (171–168 B.C.), the whole Achaian peninsula was taken over and organized into provinces.

Antiochus, King of Syria, who called himself the Great after the fashion of eastern monarchs,

had tried to check Rome's career of conquest in Greece and had also given asylum to Hannibal; he too was overwhelmingly defeated and required to pay $20,000,000 indemnity.

Slight pretext was needed to cause Rome to renew the war with Carthage and to complete her destruction. There was a faction at Rome led by the younger Scipio which would have kept faith with Carthage and spared her, but the continued cry of Cato that "Carthage must be destroyed," kept alive the fears that Rome had felt when Hannibal was at her gates. In 146 B.C. the city was captured, her inhabitants given to the sword or sold in slavery, the city razed to the ground and salt scattered upon the site in order that nothing might ever grow there again. Lest another rival should arise to challenge her authority in the Mediterranean, the prosperous and growing city of Corinth was also destroyed.

Rome's victories over these three great powers made a profound impression on the Mediterranean world and in 168 B.C., Egypt, her last possible rival, came under the protection of Rome. In 133 B.C. Attalus, King of Pergamus, one of the smaller divisions of Alexander's once proud empire, bequeathed his country, which included the site of ancient Troy, to Rome. Whether he did this because he thought his subjects would be better off under Roman rule, or whether he thought that Rome was about to take over his country by force and that by his bequest the misfortunes of war

could be avoided, history does not tell us. His example was later followed by the rulers of Bithynia and Cyrene, and these territories in this peaceful way were added to the Roman domain.

Although Appius Claudius had given to Rome that uncompromising policy of aggressive warfare that was to make her master of the western world, the growth of Roman Imperialism as a national policy was gradual and public sentiment in reference thereto changed from time to time. Each victory over a foreign nation doubtless added to the growing conviction of her leaders that Rome was destined to be the ruler of the world, but Rome's Empire was not acquired as a result of any preconceived policy of Imperialism, nor was it governed according to any definite colonial system. In the beginning, Rome's imperial power did not rest in all instances upon actual dominion, but was often based on varying relations with dependent cities and countries.

Though the establishment of Roman dominion was apparently the result of fortuitous circumstances, one war leading to another, and the taking over of one country resulting in a conquest of another, yet Rome's road to Empire was steady as it was bloody. While I feel we should accept with a degree of allowance the figures telling of the size of the armies and the losses in battles in wars of antiquity, yet, after making all proper allowances, the sacrifice of lives in the wars incident to the establishment of Rome's dominion over the

Mediterranean basin, was large in proportion to the size of the armies and the nations engaged. Though the size of Roman armies during this and succeeding periods was comparatively small,[1] history gives us a record of the death and the capture of opposing forces as well as Roman losses that shows how grievously the world suffered in the one hundred years that Rome was building up her Empire. In these wars Rome lost close to half a million men, and the loss of the opposing forces was easily double that number. However great the cost, Rome's Empire was now established and there seemed to be no rival capable of challenging her authority.

But her foreign wars had brought something more than subject states and cities, for whose rule Roman politicians were to contend in order that they might, by plunder, secure the money necessary for success in the fierce and corrupt politics at Rome. They had brought to Rome a continuing stream of wealth, which, appropriated by the ruling class, widened the gulf between the rich and the poor and profoundly influenced Roman life and morals. The plunder and indemnity secured by Rome in the Carthaginian, Macedonian and Asiatic wars amounted to $58,500,000[2]; and

[1] Sulla had only five legions for his war with Mithradates and Lucullus had but four legions and additional auxiliary troops, raising the number of his army to about 40,000, which was the size of the army with which Cæsar conquered Gaul.

[2] When we consider that the value of money in proportion to property was then from five to ten times greater than at the present

large fortunes and luxurious indulgences now became common and the old puritan virtues and customs disappeared. Slaves in large numbers were also acquired by these victories and there were attracted to the Imperial city hosts of men and women ready to pander to the luxuries, the immoralities and the vices of the day. In 200 B.C. Rome was struggling for her life against a foreign enemy and conducting her financial transactions with chunks of copper, and a little over fifty years later she was mistress of the Mediterranean world, the owner of more land than she could use, with rich provinces to be governed and plundered and with more money than any other nation in the world.

During the years in which Hannibal fought on Italian soil, the farms and cities were pillaged and thousands of Italy's inhabitants were given to the sword or driven from their homes, to congregate in the cities, and particularly in Rome. Thus was created a restless city population which was to become the ready means of political agitation and violence. So while Rome had won her battles for empire and dominion, she had suffered and was to suffer almost as much by her conquests as had the countries which she had conquered and despoiled. For she had created causes of domestic controversy which brought upon her a century of civil war and a disorganization of industry, govern-

time, the amount of Rome's booty measured even by modern standards can better be appreciated.

ment and morals that succeeding generations were to labor vainly to correct.

The acquisition of foreign territory did not end with the bequest of Attalus, as Rome's foreign wars did not end with the final conquest and destruction of Carthage and of Corinth. But henceforth foreign wars were to be of her own choosing or the result of the bitter political and civil controversies between Roman factions and leaders.

If the story of Rome's foreign conquests up to this time impresses one with its cruelty and unnecessary sacrifices of life, the story of the last century of the Republic may well create a feeling of wonder and of abhorrence. For the bloodiest chapter of Roman history is that which records the civil, social and servile wars which were fought largely upon Italian soil. While the mortality in these wars was less than in the foreign wars, the victims they claimed included the best and most capable of the citizens of Rome. In these contests between rival factions and leaders which began in Rome in 133 B.C. and ended one hundred and three years later with the death of Mark Antony, there was at times a real issue between democracy and aristocracy, but often they represented nothing except the rival interests of ambitious leaders filled with a desire for power and plunder.

For the first three hundred years after the establishment of the Republic the contest is between the plebeians and patricians as rival factions

with differences that seem to be racial. After that time the distinction between plebeians and patricians largely disappears and the political controversies are between the democratic and aristocratic parties, the former oftentimes led by patricians and the latter by those of plebeian ancestry. Tiberius Gracchus, who seems to have been a real champion of popular rights, challenged the aristocracy with the demand for agrarian laws and other reforms and was in a fair way to accomplish something of value and importance for the people. But in his campaign for reform he violated the constitution by securing re-election as tribune, and his opponents settled the controversy by clubbing him and several hundreds of his followers to death in the Forum. For a hundred years after this act of violence civil wars, active or latent, continued in Rome. It is impossible within the scope of a work of this nature to record them all. Ten years later, Caius, the brother of Tiberius Gracchus, resumed the fight for popular rights, but again, the opposition resorted to violence and Caius Gracchus was forced to commit suicide and three thousand of his followers were strangled in prison.[1]

Another decade passes and national dangers bring to the front another representative of the

[1] A reward of its weight in gold was offered for the head of Caius, and one Septimuleius, with a money-making instinct worthy of a modern profiteer, filled the cranium with lead and collected accordingly.

people in the person of Caius Marius,[1] who by his military ability forced himself to the front in the disorganized condition of Roman affairs. In 104 B.C. he completed the defeat of Jugurtha, King of Numidia, who had successfully fought and bribed so many Roman generals and statesmen, and to make permanent his victory, he brought Jugurtha to Rome in chains, where, in accordance with the customs of the day, he was displayed in the triumphal procession and then strangled in prison. In 102 B.C. Marius checked the invasion of the Cimbri and the Teutones, who had defeated three Roman armies and captured another, and the next year he completed his victory of the year before in a great battle in which 100,000 of the enemy were killed and 60,000 made prisoners. So numerous were the hosts of the Cimbri and the Teutones that it is stated they were over six days in passing a given point.

Up to the time of Marius, the Roman armies had been temporary organizations composed of citizens who went forth to fight each summer and returned in the fall to their farms or their business. In fact war seemed the natural and desirable occupation for the summer season and peace was regarded as neither necessary nor advisable. The time was to come when Rome had more than her fill of war, but in these years her people seemed to

[1] Mirabeau, the great orator of the French Revolution, said of Marius: "The mother of the Gracchi cast the dust of her murdered sons in the air and out of it sprang Caius Marius."

love fighting with the instinct of a warlike race. Marius created and drilled a professional army composed of men whose term of enlistment was for a definite period and who were paid for their work and danger. Thenceforth in Roman history, fighting became a recognized profession and occupation.

With the prestige of his military victories, Marius had himself re-elected consul six times, although the constitution forbade a re-election except after an expiration of ten years. Finally, the aristocracy reverted to its favorite policy of violence; Marius and his party were driven from power and five thousand members of the popular party were killed.[1] The contest between the democratic and the aristocratic party, the former under the leadership of Marius, and the latter under that of Sulla, a young aristocrat who had been trained in the army of Marius, continued for years with the sacrifice in riots, battles and proscriptions of the best and bravest of Roman citizens.

At times the factional contests had to be aban-

[1] There was in these proscriptions an element of brutality, a reveling in blood and execution that shocks our twentieth century feelings, accustomed only to death by hanging and electrocution. Among the victims of these proscriptions were many public officials and Caius Octavius, one of the consuls, was killed by Marius and his head nailed to the Rostra. Similar brutalities accompany the proscriptions of Sulla and in the last proscription under the second Triumvirate we see Fulvia, Antony's harpy wife, gloating over the head of Cicero and sticking a needle through the tongue which had denounced her husband and told the people of her low birth and immoralities.

doned through the necessity of fighting a common enemy, opposing the demands of the Italians for citizenship or suppressing the slaves who rose in revolt. In 103 B.C., the slaves of Sicily revolted, as they had in the time of Tiberius Gracchus,[1] and it took a Roman army three years to suppress the revolt. Twenty thousand slaves were captured and taken to Rome for crucifixion or exhibition in the gladiatorial games, but history tells us they all committed suicide in order to disappoint the expectations of their captors! In these two servile wars in Sicily it is stated by Athenæus, an ancient historian, that a million lives were lost. While this figure must be regarded as an exaggerated one, there is no doubt that the loss of life amounted to several hundred thousand.

There began in 91 B.C. and lasted three years, one of the most bitter, bloody and devastating wars which the Roman people were subjected to. It arose from the demands of the people of Italy for equal political rights with the citizens of Rome, a request which should have been readily granted, for the citizens of Italy, equally with the citizens of Rome, had helped to win Rome's victories. The result of the refusal of this request was that Italy blazed into a desperate insurrection and was devastated by civil war.[2]

[1] The first servile war in Sicily lasted from 134 to 132 B.C. There were 200,000 slaves in revolt and they defeated four Roman armies before they were finally overwhelmed.

[2] "Roman generals, trained in the traditions of colonial warfare, marched ruthlessly up and down Italy, burning farms,

The desperate nature of this contest forced a temporary cessation of the bitter contests at Rome between the factions of Marius and Sulla, but even against the leadership of both these able generals, the people of Italy were finally victorious. The issue was compromised by a virtual surrender to the demands of the Italians after a loss upon both sides amounting to over 100,000 Roman citizens and the destruction of millons of dollars worth of property and the devastation of thousands of fertile fields.

While Rome was distracted by this civil war, Mithridates, King of Pontus, a comparatively small and unimportant kingdom lying on the southern shore of the Euxine, thought he would take advantage of the situation and drive Rome from the eastern Mediterranean. As Roman traders and money lenders had invaded the East, following Rome's victories and had levied unscrupulous exactions upon the native population, Mithridates, who was a man of ability and courage, took advantage of these grievances to rally the kings of neighboring countries to his support. With an army thus organized, he invaded and captured Asia Minor and Greece and massacred Roman traders and money lenders whom he found there. The estimates of the number killed vary from eighty-five thousand to one hundred and fifty thousand.

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sacking towns and carrying off men, women and children to sell them in the open market or work them in gangs upon their estate." (Ferrero.)

The promptness and effectiveness of Rome's war of revenge were seriously interfered with by the fierce controversies which continued to rage between the rival factions of Roman politics. Sulla and Marius contended for the command and though Marius and his party won control of the government, Sulla marched on Rome with his army and for five days and nights there was a merciless slaughter of the opposing factions, five thousand falling victims. Sulla, with an army of 30,000 men under the authority of the senate, departed for the East leaving Cinna, the worst of the demagogues, in control as consul. After Sulla had left, Cinna brought an army to Rome, invited Marius, who had fled in disguise, to return, and began another bloody proscription and slaughter of the senatorial class which numbered nearly five thousand victims.

After Sulla had driven Mithridates out of Greece and won some victories in Asia Minor, he returned to Rome to drive from power Cinna and the followers of Marius who had ruled for the four years of his absence. Lucullus, one of Sulla's lieutenants, was left in charge of the campaign against Mithridates and was in a fair way to win a final victory, when he was recalled by political combinations in Rome. Pompey, who during this period seemed to be a "very darling of the gods," was placed in command and with an army of 130,000, the largest Roman army organized up to that time, he accomplished in 63 B.C. the final overthrow of Mithridates

and the subjugation of his country. Altogether, it took twenty years of fighting and close to half a million lives to achieve this result.

When Sulla reached Italy, he found a formidable army under the younger Marius to oppose him. After a desperate battle at the gates of Rome, Sulla was victorious and 6,000 of the members of the popular party were the victims of a proscription and 8,000 of their Samnite allies, who were captured, were "butchered," in the circus, "to make a Roman holiday." Even the tomb of Marius, who had died shortly after his seventh election as consul, was broken open and his ashes thrown in the Anio. It was in this proscription that Julius Cæsar, the son-in-law of Cinna and the nephew of Marius, narrowly escaped and concerning whom Sulla is reported to have said when he yielded to the importunity of friends in the granting of a pardon, "In this young man I see many a Marius."

Sulla's proscription silenced opposition and he was able to make himself dictator and effect a number of changes in the constitution. But after the exercise of unlimited power for a period of three years, he returned to private life, where after a few months of ease and indulgence, he died, like his great rival, Marius, a natural death.

Notwithstanding the slaughter of the leaders of the popular party, some had escaped death and some had escaped to other countries, and for several years following the death of Sulla, civil

wars continued in Italy, in Sardinia and especially in Spain, where Sertorius, a man of force and genius, established his authority. It required ten years of fighting, the generalship of Pompey, and the assassination of Sertorius to restore Roman power in that peninsula.

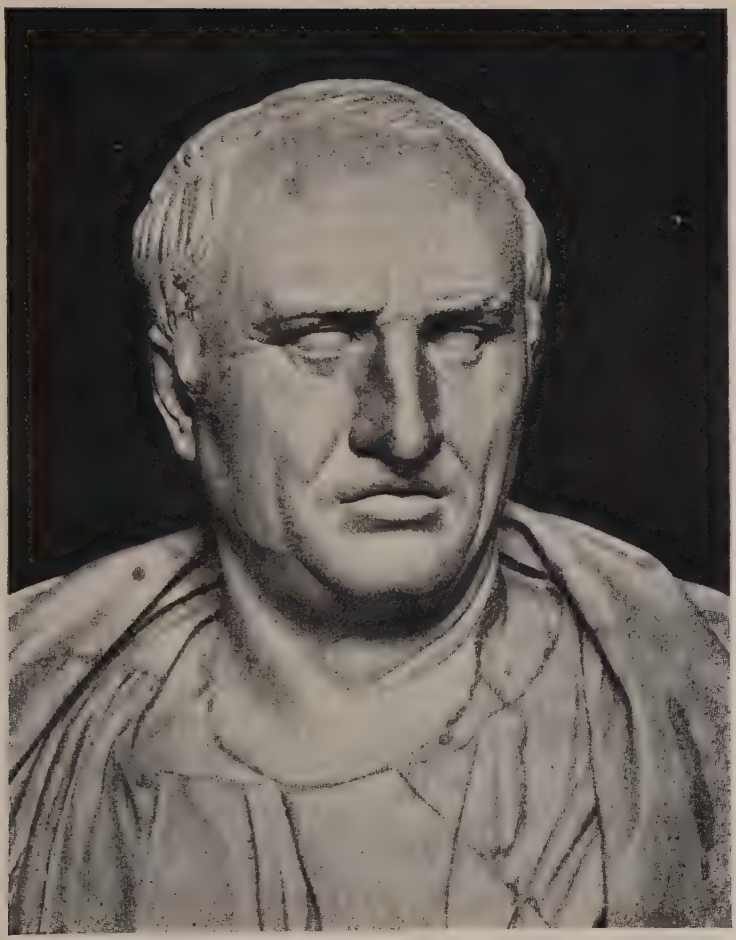
In the history of Rome during this period it can be truly said that one war "upon another's heels doth tread, so fast they follow." In fact, it was often necessary to conduct several wars at the same time. While Sulla was carrying on the war against Mithridates and Pompey was trying to suppress the revolt of Sertorius in Spain, the slaves in Italy rose in revolt under the leadership of Spartacus, the noble Thracian gladiator of story book and school recitation fame. Organizing the gladiators and the escaped slaves into a force of nearly 100,000 men, they defied the power of imperial Rome for three years, defeated ten Roman armies and taxed to the limit the capacity of the government to accomplish their defeat. Six thousand of the victims of the final battle were crucified along the Appian Way as a terrible warning of the fate which would be visited upon others.

Though there now follows a short breathing space so far as civil controversy is concerned, another difficult problem arose in driving the pirates from the sea and from the land which they controlled. So great was the social disorder of the times that many men turned to a life of brigandage and piracy; and the pirates organized and

disciplined under a form of government of their own, entered into treaties with some of the Mediterranean cities and states. For ten years the war against them was ineffectively carried on until, in 67 B.C., Pompey was given supreme authority and he finally broke their power, captured their ships and strongholds, crucified several thousand escaped slaves as an example and sold over twenty thousand of the captured pirates into slavery.

This matter was hardly settled before Catiline's conspiracy disturbed again the unsettled conditions of Italian life. Cicero's eloquence and prompt action resulted in the capture of the leaders of the conspiracy and their execution in prison without trial. For this violation of Roman law, Cicero was afterward to suffer banishment at the demand of the demagogue, Clodius. Catiline, himself, was killed in a desperate battle in which three thousand of his followers also fell.

Roman political life during this period assumed the form of armed controversy, rather than decisions of public issues through the verdict of the majority. Armed conflicts between gangs of thugs and gladiators, representing the popular party, under the command of one Clodius, an apostate aristocrat, and the aristocrats, under the leadership of Milo, were staged from time to time in the Forum and the streets of Rome. Elections were broken up, the conduct of courts interfered with and government itself corrupted and made ridiculous in its inefficiency. These contests were



Cicero

Like the bust of Cæsar, this one of Cicero is also photographic in its likeness of the great orator in the later period of his life.

From the Capitoline Museum, Rome

finally brought to an end by a chance meeting between the two rival gangs, which resulted in the death of Clodius; and that interesting but dangerous demagogue ended his career, as it were, in a blaze of glory, for his followers, to properly celebrate the funeral of their departed hero, burned even the senate chamber.

This is the record in outline of the idealized Roman Republic, in which, as some historians would have us believe, all citizens were free and equal, earnestly devoted to the public weal and ruled by the verdict of the majority. This is one of the hollowest of all the hollow frauds of history. While in theory there might be political equality and all political power was supposed to rest with the people, as a matter of fact Rome was ruled by a selfish aristocracy who found the senate an effective means for control. And when they could not win by bribery, the manipulation of political machinery and the use of official power, they shamelessly resorted to force and violence. Thus the last century of the Republic is filled with wars, riots, proscriptions, murders and assassinations, with such a disorganization of commerce, industry, government and society that it is difficult to understand how civilization could even maintain its existence.

In 60 B.C. there came to the front in Roman politics a man of sufficient force of character and breadth of vision to justify the hope that he would bring to an end the period of civil war and dissen-

sion. Julius Cæsar, though of noble birth, was a leader of the popular party and if he was not involved in Catiline's conspiracy, as was charged, he was partly in sympathy with his cause. While he had effectively used Clodius and his gang of thugs to intimidate the aristocracy, he took advantage of the first opportunity to make a political combination with Crassus, the rich man of the day; and with Pompey, who had finished the war against Mithridates, restored Roman rule in Spain and driven the pirates from the seas.[1] Cæsar had a natural liking for order and system and he also had a very ardent ambition for his own advancement. He thus secured the consulship in 59 B.C. and the following year he went forth to conquer Gaul.

In 121 B.C. the conquest of southern Gaul, known as Gallia Narbonensis, had been completed and that territory had become a Roman province. Though the Cisalpine Gauls had been conquered in 222, it was not until 81 B.C. that this territory was formally organized as a province. But even the addition of these provinces did not end the menace of Gallic invasion, which always seemed and doubtless always was a real danger to Rome. To provide against this danger a special fund was maintained in the Roman treasury until Cæsar had completed his conquests and effectively broken

[1] Thus was formed what was known as the first Triumvirate, which, while purely a political combination dominated Roman politics for the next ten years.

Gallic power. This he did in a series of wars extending over nine years, in which Gaul was subjugated up to the Rhine and the North Sea, but at a sacrifice of a million of its population and of another million of its inhabitants captured and sold into slavery. As the population of Gaul at the beginning of Cæsar's wars is reported as being only 4,500,000 it would seem that through the destruction of life and sale of captives as slaves, most of the male population was destroyed. In addition to this bloody toll exacted in his conquest of the Gallic tribes, Cæsar records the killing of some half million Germans who had the effrontery to cross the Rhine against his orders.

While success attended the efforts of Julius Cæsar in the north and west, Rome's further, and for many years final effort to extend dominion to the south and east was destined to meet with defeat and disaster. Crassus, anxious to equal the military successes of Cæsar and Pompey, invaded Parthia in 53 B.C. and suffered a more complete and humiliating defeat than had been inflicted upon any Roman army since the defeat at Cannæ by Hannibal. Crassus and his army were compelled to go under the yoke and his 50,000 men were either killed in battle or held as captives. It is told that Crassus, as the richest man in the world, was paid the delicate compliment of being killed by having poured down his throat the molten metal which he had so successfully sought during his life. With this disastrous failure and with

Cæsar's conquests, end the foreign conquests of Rome until the reign of Augustus when the latter extended the confines of the Empire to their natural frontiers, but without, as he states, "waging an unjust war against any people."

With the first Triumvirate dissolved by the death of Crassus, affairs hastened towards further civil strife and controversy at Rome. With Crassus dead and Cæsar away, Pompey, who seems to have been far more of a general than a politician, became the easy prey of the aristocrats of Rome, who resented a combination which had resulted principally in giving Cæsar what he wanted. So civil war was to come again to Rome in the rivalry that was engendered between Pompey and Cæsar. When Cæsar was denied the right, which had been promised him, of standing for consul, unless he came to Rome as a private citizen and without an army, he crossed the Rubicon with a small body of troops and at his approach, Pompey and the nobles left the country and sailed for Epirus. At Pharsalus, in 48 B.C. was fought the decisive battle between these rival leaders and the victory which Cæsar won was at the cost of only 200 of his followers, while 35,000 of Pompey's army were killed or captured. Pompey fled to Egypt, where he was cruelly murdered by the orders of Ptolemy XII[1] to whom he thought he could turn for help.

[1] Ptolemy and his sister, Cleopatra, had been made joint rulers of Egypt under the will of their father, which the Roman senate undertook to carry out, appointing Pompey its representative for

While the result of this battle apparently made Cæsar the master of the world, yet through poor judgment in going to Alexandria with a small force of soldiers, which almost resulted in his capture by the Egyptians, and through his infatuation for Cleopatra, he was detained there for nine months and until his opponents had time to reorganize their forces in Africa and Spain. When he finally was relieved from his difficult military situation at Alexandria and was able to tear himself away from the embraces of Cleopatra, he hastened to Asia Minor to suppress a revolt by Pharnaces, son of Mithridates, which he reported to the senate in the famous message, "*Veni; vidi; vici.*"

After a hurried visit to Rome he sailed for Africa, where, at the battle of Thapsus, he won a great victory over the senatorial forces under the command of Cato, the "last of the Romans." Fifty thousand dead were reported as the victims of this battle. He was then compelled to hurry to Spain, where in 45 B.C. he accomplished the defeat, at the battle of Munda, of the two sons of Pompey, Gnæus and Sextus, who had gathered there a

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this purpose. Ptolemy and Cleopatra married each other according to Egyptian custom and continued as joint rulers until Ptolemy decided to rule alone and drove out Cleopatra. At the time of the defeat of Pompey at the battle of Pharsalus Cleopatra was trying to collect an army in Syria to invade Egypt. When Pompey requested permission of Ptolemy to land in his kingdom the latter, knowing of the defeat of Pompey at Pharsalus, and fearing the consequences of giving him asylum, cruelly ordered that he should be murdered.

considerable Roman army. This victory resulted in a loss of 30,000 lives, including that of Gnæus Pompey. But Sextus escaped to make much trouble in years to come for Cæsar's adopted son.

It was nearly three years after the defeat of Pompey at Pharsalus before Cæsar was able to return to Rome, to feel secure in the possession of his power and to devote himself to the work of reorganizing the world.[1] In this undertaking, he made the fatal error of being more interested in his own power than he was in the welfare of the Empire.

He thought he could give himself the position and the authority of an oriental monarch, in violation of the constitution and traditions, and at the same time go about among the people without as much protection as that enjoyed by an American president. First, he had himself made dictator for one year and then ten years and, apparently pleased with that distinction, had it enlarged to dictatorship for life. Preliminary to having himself made king, he set up his statues beside those of the seven kings of Rome; he accepted the gilt chair; he wore the red shoes of the Alban Kings, from whom he claimed descent; he permanently retained the triumphant general's war crown of laurel, partly, it is said, because he was sensitive about his baldness, and at the Lupercalia he had

[1] Of the four years that elapsed between the battle of Pharsalus andCæsar's assassination he spent only fifteen months in Rome. While he accomplished much during these busy days he accomplished far less than some of his biographers claim for him

Antony offer him a golden crown. The tradition supported by the Sibylline books that Parthia could be conquered only by a king (and the defeat and capture of Crassus thus be avenged), was brought repeatedly to public attention.

All these things were too much for the Republican sentiment, which still existed in Roman life, and eighty-five members of the senate joined in a conspiracy to accomplish Cæsar's death. His assassination was apparently favored by a majority of that body, although he had added three hundred members of his own choosing. Instead of bringing peace to Rome and re-establishing republican rule, the assassination of Cæsar again let slip the "dogs of war."

Marcus Antonius, known to the world through Shakespeare's play as Mark Antony, commanded a division in the battle of Pharsalus, and was consul at the time of Cæsar's death. He should have taken charge of the situation and arrested the conspirators who had only a few gladiators to protect them. But he was a man of weak character usually under the influence of some woman and without any devotion to principle. He was willing to join Brutus and Cassius after Cæsar's death, and he gave Brutus a banquet as a mark of esteem and assurance of good will.[1] His argument in the

[1] While Mark Antony was entertaining Brutus, Lepidus, Cæsar's master of the horse, who had command of a body of troops near Rome and who was acting in harmony with Antony, extended the same courtesy to Cassius.

senate against having Cæsar declared a tyrant, was based on the selfish consideration that thereby he and others would lose what Cæsar had given to them, and under the terms of Cæsar's will, which had been made public, Antony expected to profit largely. He was willing that Cæsar should be quietly buried and that Cicero's policy of amnesty should prevail.

Piso, Cæsar's father-in-law, doubtless representing the wishes of Cæsar's wife, Calpurnia, insisted on a public funeral. Ferrero claims that Antony did not speak at Cæsar's funeral, but had the town crier read the decrees of the senate in praise of Cæsar and the provisions of Cæsar's will that were of interest to the public.[1] Dion and Plutarch give us the substance of Antony's speech and Shakespeare has used the material for one of the most effective of recorded orations. This historical tradition, even if it is a tradition, is too firmly established, too many generations of English and American schoolboys have recited Mark Antony's oration as it is given to us by Shakespeare, to make it possible or advisable to try now to convince the world that he did not speak at Cæsar's funeral.

[1] This claim is based on the rather negative evidence that Suetonius makes no mention of a speech by Antony at Cæsar's funeral and Cicero does not refer to it in his letters. Anyway, the provisions of Cæsar's will were known to the people before the funeral and this information probably stirred the people against the conspirators more than any oration that Antony may have delivered.

But whatever may have happened at the funeral, it was clearly not within the power of a few politicians to bring peace to Rome and to compose the affairs of the world by passing some resolutions in the senate chamber. Aside from the indignation of the people, there was another factor to be dealt with, little considered at the time, and that was Cæsar's great-nephew, Caius Octavius, eighteen years of age, who was then with the legions in Apollonia training for the expected invasion of Parthia. He hastened to Rome to assert his rights as the chief heir under Cæsar's will and to demand the punishment of Cæsar's assassins. All the leaders of the various factions failed to understand the ability and the character of this serious-minded but attractive young man, who against the advice of his guardian and friends had come to Rome to claim his inheritance and to join issue with the able, experienced and unscrupulous leaders who had survived the fierce contests of war and politics.

While I will reserve for the following chapter the detailed consideration as to how Octavius met those issues, and won his way to power it will be necessary to sketch briefly the events of the next twelve years to bring to a close the bloody record of the last century of Republican rule.

When Antony treated Octavius with insolence and contempt the latter joined forces with the senate and the battle of Mutina followed, resulting in the defeat of Antony and the death of the two consuls. But when the senate, having used Oc-

tavius to defeat Antony, also treated him with contempt and unfairness, the combination between Antony and Octavius was formed, with Lepidus, one of Cæsar's generals, as the third member of the Second Triumvirate.

The issue between the Cæsarian party and the senatorial faction now became definite, and Brutus and Cassius and their followers followed the example of Pompey four years before and fled to Greece. Before Antony and Octavius could go to Greece to fight Brutus and Cassius, they had to drive their enemies out of Rome, and thus another, but fortunately the last, of the list of bloody proscriptions was declared.[1] While it was a small affair as compared with those of Marius and Sulla, as it had less than two hundred senatorial victims, it is made odious in history by the fact that Cicero was numbered among its victims. In 44 B.C., at Philippi, Cæsar's death was avenged in the defeat of Brutus and Cassius and the killing of eighteen thousand of their followers.

Antony, Octavius and Lepidus were now free to divide the world between them, but permanent peace was still a long way off. The Roman world had been too thoroughly disorganized by the many years of civil war and strife to be reconstituted by the result of one battle. While Antony took the East as his share, Octavius went back to Italy,

[1] One of the purposes of the proscription was to raise money, of which the triumvirs were sorely in need, by the confiscation of the property of the victims.

which, with Spain and Gaul, was his portion of world dominion. Lepidus was shoved off into Africa. Octavius, on his return to Italy, had to fight a dangerous and troublesome war with the wife and brother of Antony. But the Siege of Perusia overcame this opposition and it was the last civil war to be fought upon Italian soil for over one hundred years.

Octavius then had to deal with Sextus Pompey, who with the remnants of his father's followers, had maintained his power in Spain, and with a well-organized fleet manned by pirates and escaped slaves, largely controlled the Mediterranean and threatened the commerce and food supply of Rome. Octavius first suffered defeat and lost his fleet but with the assistance of his able lieutenant, Agrippa, a new fleet was constructed and Pompey was defeated in a great sea battle off the shores of Sicily; his army was captured and thirty thousand slaves were returned to their owners, or if their owners could not be found, were executed. Pompey fled as a fugitive to the territory of Antony, where, like his father, he was murdered by one of Antony's generals to whom he thought he had a right to look for aid.

Octavius also had to fight a foreign war to secure the safety and the peace of mind of the Imperial City, as the tribes lying between the Adriatic and the Danube were a constant menace that caused Italy to tremble with fear of invasion. After a hard campaign, in which Octavius was wounded,

he won a victory and killed 10,000 of the enemy, and thus another menace to peace was removed.

Antony, anxious to build up an empire in the East, with Alexandria as its capital and Cleopatra as its queen, organized for the invasion of Parthia a larger army than had yet been commanded by any Roman general. He also hoped, by avenging the capture of Crassus and his army, to make himself the ruler of the Roman world. But through poor generalship, his army was defeated, 25,000 were killed or captured and the campaign failed. By an act of treachery, he won some minor advantages over the king of Armenia and this furnished the basis of a triumph in Alexandria and a report of a victory to the Roman senate.

With Octavius ruling at Rome and Antony and Cleopatra at Alexandria, one more battle had to be fought to decide who should be master of the world. On the 2nd of September, 31 B.C., off the coast of Greece, there was fought the battle of Actium, in which the East fought against the West and the principle of oriental Imperialism was arrayed against the principle of western Republicanism. The fact that Cleopatra and Antony ran away helped to give to Octavius and Agrippa a great victory with a small loss of lives; for the opposing army, deserted by its general, surrendered in a few days. This victory was made complete the next year when Octavius carried the war into Egypt, and by a few spirited skirmishes, completed the victory of Actium and drove Antony

and Cleopatra to choose suicide in place of surrender.

And so at last it was possible for peace to come to a war worn and weary world because one man had become its effective master. But at what an awful cost this world dominion and the possibility of world peace had been won! The last century of the Republic, the century that began with the death of Tiberius Gracchus and ended with the death of Antony, was as I have said one of the worst centuries in the history of the world. It was a century of almost uninterrupted war, foreign, civil, social and slave; of riots, revolutions, anarchy, tyranny, corruption and oppression.

While Rome had, by her steadfastness and by the organization and bravery of her armies, won the mastery of the Mediterranean world and western Europe, her victories had been savage and brutal. There had been a system of fines and exactions against the conquered countries, which, with the plundering and the grafting by the provincial governors, had left the fields abandoned, the industries ruined and the people so burdened with taxes and oppression that they viewed the future with hopelessness and despair. Cicero has given us a vivid picture of the condition of the provinces when he says:

> All the provinces are mourning; all the nations that are free are complaining; every kingdom is expostulating with us about our greed and injustice. There is

now no place on this side of the ocean, none so distant, none so out of the way, that in these later times the lust and iniquity of our citizens have not reached it. The Roman people are now no longer able to bear, I do not say, the violence, the arms and the war, but the mourning, the tears and the complaint of all foreign nations.

"Under their extortions," he continues, "the most unspeakable misery reigns from the Tagus to the Euphrates." And in similar language he describes the condition of the other provinces of Rome.

The picture we get of the conditions in Italy is almost as gloomy and oppressive. By the slave wars which were the product of cruelty and injustice, by the social wars brought about by unfairness to her allies, by the civil wars, riots and proscriptions resulting from the bitterness and injustice of the opposing factions, Italy had become a disordered, a devastated and a poverty-stricken land. Her population and that of the Empire was decreasing; and crime was so general and unpunished that both life and property were insecure. The darkness and chaos that came upon Europe five hundred years later in the beginning in the Middle Ages threatened to oppress the most civilized portions of the western world in the last half century of the Pagan Era.

And what had Rome on the credit side of the ledger to show for all the lives that had been sacrificed and all the blood that had been shed? Small

indeed had been her contributions to civilization when Octavius finally won the mastery of the world. Her government was corrupt and hopelessly inefficient, her system of jurisprudence was unscientific, filled with meaningless formulas and discriminations; her capital city, built of sun-dried bricks, had a few ruined temples and public works and buildings, unworthy of the mistress of the world. In literature, there were the poems of Catullus and Lucretius, a few worked-over Grecian comedies, Cæsar's *Gallic Wars*, and Cicero's orations and essays. These were small results for all the wars that had been fought and all the lives that had been lost. Three generations had been so burdened and oppressed by war and bloodshed, that, though the people yearned for peace, they had become almost hopeless as to the future.

It was fortunate for Rome that her duel with Carthage was brought to a close before the century of civil wars and revolutions weakened her power. It was fortunate that only Mithridates had sought to take advantage of her weakness to question her dominion.

And yet, when we read the story of the last century of the Republic, we cannot but be filled with admiration for this remarkable race of men. That with all of the handicaps of social disorder, civil wars and revolutions, of corrupt and inefficient government, they were able to win and maintain their mastery of the world, speaks volumes for their capacity, their courage and their

steadfastness. And that afterward, they were able to master themselves and to take the broken and disordered fragments of government, industry and society, which they themselves had produced and to make them into a harmonious, prosperous and contented empire, is a story of a most remarkable work of reorganization and regeneration of civilization and government. And if the last century of the Republic wins our reluctant admiration for the qualities of Roman strength, courage and leadership, what should be our feeling for the work of Rome in the next two centuries, during which the world steadily increased in population, prosperity and happiness under the blessings of peace and the benign influence of a just and stable government?

CHAPTER III

THE COMING OF PEACE

THE name of Caius Octavius, known in history as Augustus, excites but little emotion in the mind of the ordinary reader, and as we gaze on his busts and statues in the calm atmosphere of the classical museums, it is not easy to realize that this man was the founder of the greatest empire of ancient times, and one of the greatest, if not the greatest, constructive statesman and reformer of all history. His name has been obscured by that of his great-uncle, Julius Cæsar, and for various reasons he has never been a favorite of historians. Gibbon, writing in the republican enthusiasm at the close of the eighteenth century, regarded him as too much of an imperialist, and Mommsen, writing in the imperialistic enthusiasm of nineteenth century Germany, regarded him as too much of a republican. And then, Gibbon began his great work with the age of the Antonines in the second century of the Christian Era, while Mommsen ended his work with the death of Julius Cæsar, whom he regarded as the founder of the Empire. The early Empire, which includes the work of

Augustus, thus lies between the end of Mommsen and the beginning of Gibbon.

There was no great contemporary historian who wrote of his life, though the literature of the period and such histories as we have, mostly of the first and second centuries, are filled with the most enthusiastic tributes to his character and achievements. Capable modern historians have, of course, written of the period of Augustus, and two Englishmen and one German have written works devoted to his life.[1] But as evidence of the little interest which his career has attracted in modern times, the German work has never found a translator. None of the works devoted to his life, and but few of the general histories show an understanding of or have emphasized the great work of reorganization and reconstruction that was accomplished under his leadership and direction. Likewise none have succeeded in making him clear or real to us as a man of flesh and blood. Unfortunately for his fame, the memoirs that he wrote of his long and useful life were lost in the rack and ruin of the centuries. But we have a brief résumé of his most important achievements in the inscription that he composed to be placed as an epitaph upon his tomb.

This inscription was placed on many monuments

[1] *Augustus' Life and Times as the Founder of the Roman Empire*, 58 B.C. to 4 A.D. (E. S. Shuckburgh).

Augustus Cæsar and the Organization of the Empire of Rome. (John B. Firth.)

Augustus und Seine Zeit, Victor Gardthausen.

There is also Beule's *Auguste, sa famille et ses amis.*

throughout the Empire though only two have been discovered. On a temple devoted to the worship of Rome and Augustus located in Angora, which was the ancient town of Ancyra in Galicia, it was engraven in Latin and in Greek.[1] The Pagan temple became in time a Christian church and then a Mohammedan mosque, and when ruined and abandoned was used as a stable by the miserable Turkish inhabitants. On its walls this inscription was discovered and deciphered by industrious scholarship. Boissier, one of the most entertaining writers on Roman history, says of it:

The first characteristic that we notice when we read the Ancyran inscription, is its majestic tone. It is impossible not to be struck by it. We see at once, by a certain air of authority, that the man who is speaking has governed the whole world for more than fifty years. He knows the importance of the things he has done; he knows that he has introduced a new state of society, and presided over one of the greatest changes of human history. Accordingly, although he only recapitulates facts and quotes figures, all he says has a grand air, and he knows how to give so majestic a turn to these dry enumerations that we feel ourselves seized by a sort of involuntary respect in reading them.[2]

[1] The other inscription that has been discovered was on a ruined temple at Apollonia on the borders of Phrygia and Pisidia. The latter is only in Greek and much less of it is legible than of the one at Ancyra. The correspondence between the legible portions of the two inscriptions is almost exact.

[2] *Cicero and his Friends*, page 364.

It is indeed a noble statement of the principal achievements of his long and useful career which began in 44 B.C. at the age of eighteen and ended in 14 A.D., when he died, mourned by an empire of one hundred millions of people. Such a period of authority and usefulness has been given to but few rulers and to none who have exercised a power and authority comparable to that of Augustus.[1]

We cannot understand the history of this important period of reorganization of Roman government and society without some understanding of what sort of a man Caius Octavius was and how he accomplished his rise to power. It will therefore be necessary to tell in some detail of a few of the battles and military activities of which the general

[1] One writer who constitutes a notable exception, as I stated in the preface, to the general attitude of the historians towards Augustus, is Prof. Stobart. In his *The Grandeur that was Rome*, page 161, he says: "I make high claims for Octavian—or as he may now be called by anticipation 'Augustus'—in history. Julius Cæsar has usurped the credit of inventing that wonderful system the Roman Empire. The credit really belongs to Augustus. . . . Julius Cæsar had failed through pride. When he fell, the whole dreary round of proscriptions, triumvirate, and civil wars had to begin again. The inevitable monarchy had to be devised afresh on a different basis: that was the task of Augustus. He devised it in such a manner that it lasted in the West for just five centuries and in the East for nearly fifteen. Indeed it can hardly be said to be totally extinct now in the twentieth. Judged by results then, the work of Augustus was clearly a consummate piece of statesmanship. When we consider the methods by which that result was obtained we shall, I think, esteem Augustus as the greatest statesman in the history of the world."

result has been told in preceding chapters. For it is by understanding the cool, clear headed, and courageous way in which he met each difficulty and in the face of every danger held tenaciously to his purpose, that we can understand his character and the supreme qualifications he possessed for the great rôle he was destined to fill and the great work he was destined to perform. He was the son of Caius Octavius, a competent public official and a worthy citizen of the plebeian class, and Atia, the daughter of Julia, Julius Cæsar's able and devoted sister.[1] His father died when he was five years of age and to his mother and his grandmother was assigned the conduct of his education for the important mission that he was expected to perform in the world. Signs and predictions of future greatness were not wanting even in his youth, if we are to accept the statements of ancient historians which were written after his achieved greatness had emphasized the appropriateness of such predictions.

Plutarch tells how Cicero dreamed one night that in the presence of the people and the Roman senate the young men of Rome were called to the capitol in order that Jupiter might select one of them as the ruler of Rome. As the youths passed by, the god pointed to one and said, "O ye Romans, this young man, when he shall be lord of Rome, shall put an

[1] Atia's father was Atius Balbus, a relative of Pompey the Great. Thus in the veins of Augustus flowed the blood of both the Pompeys and the Cæsars.

end to all your wars." So impressed was Cicero, in that superstitious age, by this dream and by the distinct image of the youth who had been chosen, that he went the next day to the Campus Martius to see the boys returning from their exercises and as they passed by he saw the youth whom Jupiter, in the dream, had selected to be "lord of Rome and to bring peace to the world." And when Cicero stopped him and asked him his name and his parents' names, the youth answered that his name and his father's name was Caius Octavius, and that his mother was Atia.

This and similar stories appear in the literature of the first and second centuries. Suetonius tells how on the day of Augustus' birth, September 23, 63 B.C., the senate was deliberating upon the conspiracy of Catiline, and his father came late to the meeting. On learning the cause of his delay, one of the senators declared, "The lord of the world has been born." We are also told that, though left one night in his cradle on the ground floor, he was found the next morning on the roof of the house, facing the rising sun; that when he began to speak, the frogs around his grandfather's villa ceased their croaking and henceforth croaked no more; that an eagle once swooped down and snatched from his hand a piece of bread and then, apparently realizing the enormity of its offense, returned and restored the morsel.

All of these stories we may well regard as apocryphal, and yet, it is entirely clear that he was a

young man of great personal attractiveness and promise. He displayed bravery in crossing a wintry sea in an open boat and traveling across dangerous, hostile territory in Spain to join his uncle after the battle of Munda. This demonstration of his courage and determination, rather than an omen, which it is stated was observed near the battlefield, doubtless influenced Cæsar to select him as his chief heir.

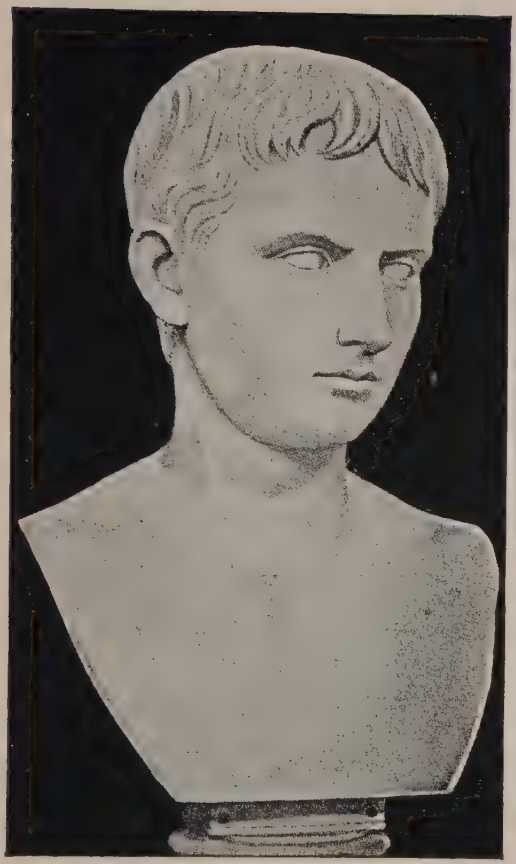
These stories have a real historical importance as they largely contributed to the belief of the period (which was shared by Octavius), that he was the favorite of the gods and chosen for a great mission. As a lad of fourteen years, he delivered the oration over the body of his grandmother, Julia, and at the age of sixteen he assumed the rôle of manhood.

Following the campaign in Spain he went with a few companions, among whom was his destined co-ruler of the world, Marcus Vipsanius Agrippa, and his other faithful and able lieutenant, Mæcenas, to study in Epirus and to prepare himself to go with his uncle the following year on the invasion of Parthia. He was in Apollonia when he received the news of Cæsar's assassination and the necessity of a prompt decision as to his future course was demanded. Though advised by his friends and by the leaders of the legions in Epirus to place himself under their protection, he decided to go to Rome as a private citizen and without armed protection. When he found that he was Cæsar's heir, he pre-

sented himself as Cæsar[1] to the garrison at Brundisium. Though many of his friends and his stepfather, Philippus, urged him not to accept the dangerous heritage which Cæsar had willed him, he publicly announced his decision to do so.

I cannot, within the limits of this work, go into any detailed statement of the combinations, intrigues and dangers which he faced when he plunged, as an eighteen year old boy, into the vortex of Roman politics, nor can I show in detail how he met and mastered them all. The situation that confronted him was a difficult and dangerous one. It required knowledge of law and politics, and he had no experience in either. It required military ability, and he had no training as a soldier. But he had the advantage of his opponents in that he knew what he wanted and was determined to secure it. There was about him a calm dignity which expressed determination and decision and inspired confidence in others. Had old and experienced men advised him and managed his affairs, his success would have seemed more conventional, but he had as his chief advisors and lieutenants two other boys, Mæcenas, a year or two older, and Agrippa, a year younger. How

[1] Augustus and each succeeding Emperor who belonged to the Julian family, either by birth or adoption, were known to the Roman world as Cæsar. After Nero, the titles of Augustus and Cæsar were conferred upon the Emperors by the Senate. The word "Cæsar" became a synonym of Imperial authority and has found expression in modern times in the words "Kaiser" and "Czar."



The Young Augustus

This well-known bust of Augustus was probably made in the winter of 45 and 44 B.C., when he was in Apollonia preparing to accompany his uncle on the Parthian expedition.

From the bust in the Vatican

Augustus, with such assistants, met and defeated the able and experienced men who from time to time opposed him, is one of the outstanding stories of human greatness and achievement of all history.

He decided to do all that he should do under the customs and ideas of the day as Cæsar's adopted son and heir, which included proper respect and tribute to his "father's" memory and the punishment of his assassins. He acted in this regard in striking contrast to Antony who had no program and no moral purpose. Although posing as Cæsar's friend, Antony showed no desire to vindicate his acts or to avenge his death, and he was entirely willing to make any terms with the assassins that would inure to his own advantage. By such a policy Antony failed, and by a contrary policy Octavius won. He gave games in honor of his "father," although Antony, through his brother, Lucius, as tribune, prohibited him from using Cæsar's golden chair. With his own means, he organized into legions ten thousand of Cæsar's veterans who had been discharged from service and won from Antony the Fourth and Martial legions. When Antony treated him with insolence and contempt, he bore himself with fortitude and dignity and insisted on his rights. He sold his own property and borrowed money from his friends to pay to the people and to the soldiers the bequests made by Cæsar's will, which could not otherwise be carried out because Antony had appro-

priated much of Cæsar's fortune to pay his own debts.

An incident that seems to have escaped the attention of historians clearly illustrates his force of character and ability to induce others to work in his behalf. He had two cousins, Pedius and Pinarius, who were older than Augustus and who were men of ability and experience. Cæsar, in his will, gave to these two great-nephews one-fourth of his property and to Augustus three-fourths. Pedius and Pinarius gave to Augustus their one-fourth to help him carry out the provisions of Cæsar's will for public gratuities and to strengthen his position in his contest with his opponents. When we consider the usual feeling of avarice and jealousy over dead men's property, this unselfishness on the part of his relations may well be taken as an eloquent tribute to the character and personality of Augustus.

That the senate and Antony could not long work in harmony was evident from the fact that the majority of the senate had no confidence in Antony and was under the leadership of Cicero who hated him personally. An issue soon arose between Antony and Decimus Brutus and the senate promptly took sides with Decimus Brutus, and was glad to avail itself of Augustus' help. The two consuls, Hirtius and Pansa, with such troops as they could muster, and Augustus, with Cæsar's veterans, and with the Fourth and Martial legions, marched to the relief of Decimus Brutus. After

two or three engagements in which both consuls lost their lives, Antony was defeated and forced to retreat.[1]

Then it was that Cicero and the senate displayed their real feeling towards Augustus in a way that had most fateful consequences. In the fighting around Mutina, Decimus Brutus and his starved and depleted forces had remained helpless in the town. And yet, when the siege was raised by the defeat of Antony, the senate proceeded by resolution to express its great gratitude to Decimus Brutus, to make him commander of the combined forces, to thank his troops and the troops of the consuls for the victory, and to give to Decimus Brutus a triumph. The senate even declined to provide pay for the legions of Augustus. Cicero, who seemed to have had some conception of the strength and ability of Augustus, mildly suggested that he be given an ovation. But his real feeling towards "the boy" found expression in the witticism that he should be "praised, distinguished and extinguished."[2]

Cicero was one of the wittiest men of his day and could not restrain his desire to display his cleverness. But in this instance his jest cost him dearly, for Augustus, who seems to have had a real liking

[1] Suetonius states that in the first battle Augustus got scared and ran away, but in the second battle he bore himself with great bravery. This is by no means improbable as many brave soldiers have done the same thing.

[2] Cicero's words were: "*Laudandum, ornandum, tollendum*" (*Ad Fam.*, xi., 20, 21).

for Cicero and had looked to him for fair treatment, was deeply distressed and disappointed. But he was also enlightened as to the selfishness and unscrupulousness of the able, dangerous and resourceful men with whom he was waging a fight for world power. He saw that there was but one course for him to pursue, and that was to look after his own interests, but one argument that was effective and that was the argument of force.

In the manœuvering of the various armies, Augustus wisely kept his army nearest to Rome and when he sent a delegation of soldiers to the senate to ask for their pay and fair treatment for their commander, the senate showed no disposition to comply. One of the soldiers then said, laying his hand upon his sword, "If you do not make him consul, this will," and Augustus made good the threat by marching with his army on the capital.[1] The senate then hastened to do all and more than was asked of it, and Augustus, at the age of nineteen, along with Pedius, his cousin, was elected consul. At this, the first opportunity, Augustus proceeded to carry out his purpose to avenge his father's death, and a decree of the senate was passed[2] which condemned, or as the phrase was,

[1] One reason why Augustus hastened to Rome was the report that the senatorial party was trying to capture his mother and sister, Octavia, to hold as hostages. When Augustus entered Rome with a small force of cavalry he was joined in the Forum by his mother and sister who had found refuge with the Vestal Virgins.

[2] Augustus says in the *Monumentum Ancyranum:* "Those who killed my father I drove into exile by lawful judgments

"interdicted from fire and water," the assassins, and confiscated their property.

Already he had evidently been in communication with Antony and soon they met along with Lepidus on an island in a tributary of the River Po and formed the Second Triumvirate.[1] This combination was doubtless brought about by considerations of self-interest and the demand of public sentiment, particularly among the soldiers who felt that having served together under the great Julius, they should not now fight each other under the command of men who should be working together to avenge his death. There was no difficulty in securing a formal approval of the triumvirate by the senate, but it had many enemies at Rome, and Brutus and Cassius had mobilized in Greece a larger force than the triumvirs commanded. It was necessary to go to Greece to fight, but they could not do so without driving their

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avenging their crime and afterwards when they waged war against the commonwealth I twice defeated them in battle." (See also Livy, Ep. cxx., Vell. ii., 69, App. iii., 95.) This decree of the senate was in confirmation of a judgment of a special commission created by the senate in accordance with the regular criminal procedure, for the trial of Cæsar's assassins.

[1] The small part played by Lepidus as one of the triumvirate would seem to require explanation as to why he was included in the combination. He was a member of a noble and influential family and was one of Cæsar's masters of the horse. When he was admitted to the triumvirate he was in command of five legions and at that time legions weighed heavily in the balance. However effective he may have been as a lieutenant he was a great failure as a leader.

enemies out of Rome. This was done by a proscription.

Under modern standards, not much can be said in defense of this or any other proscription; but since one of the principal acts of Augustus which the world remembers to his discredit, is his consent to this proscription which included Cicero, some attention may well be given it. Cicero had, by his speeches against Antony, known as the *Philippics*, served notice that his life would be taken as soon as Cicero and the senate were able to take it, and he continually expressed his regret that the conspirators in killing "the master" had not also killed "the man." And the information that had come to Augustus that he was to be "extinguished" may have been taken literally. Anyway, in such times and in such matters it was not well to joke. The list of the proscribed numbered about three hundred senators and most of those got away. Cicero had notice in ample time to escape. The proscription was issued November 29th, and Cicero was not killed till December 9th; but with his characteristic indecisiveness he could not make up his mind whether to go and live, or stay and die. He started and turned back and then started again. His slaves and friends wanted to defend him, but he was worn out and tired of life and so he offered himself for death to the soldiers sent to capture him.

We do not regard death as the Romans did. To them it was one of two alternatives—a release

from a world of sorrow and trouble or a transfer to a realm of happiness and content. Yet, under any theory, the death of Cicero was bad enough and the world has never ceased to remember it with regret. His letters which have been preserved show he was a delightful friend and gentleman; and his orations and writings, that he was a great orator and writer. But he was a poor excuse for a statesman, for he was inconsistent and insincere and poorly adapted to deal with the difficult and dangerous situation that then confronted the world. Augustus is said by one historian[1] to have tried to keep Cicero's name off the lists, but Antony had too many causes for grievance and hatred, and his wife had special causes of bitterness that made Augustus' effort unavailing. The truth is that all of these men were knowingly playing a game in which, as Antony expressed it, "Death is the lot of the loser and only the winner shall live." Anyway, the responsibility for the proscription, so far as Cicero is concerned, cannot be placed on Augustus.[2]

With Rome made safe for triumvirs, they proceeded to carry the war into Greece as Cæsar had done against Pompey two years before. And in

[1] Suetonius.

[2] Augustus' attitude toward Cicero was illustrated in later years when he came upon one of his grandsons reading a book of Cicero. The boy, thinking he was on forbidden ground, tried to conceal the book; but Augustus took it from him, glanced at it and returned it with the remark that Cicero was "a true scholar and a patriot."

striking resemblance to Pharsalus, Philippi became a victory for Cæsar's forces. I call them Cæsar's forces, for behind the lines of Antony and Augustus, "stood Julius Cæsar." And yet, Philippi turned as Pharsalus seemed to turn, on a very narrow issue, in which chance was a largely controlling factor. Cassius, the real military leader of the senatorial forces, a temperamental, passionate man, was also near-sighted. He mistook an approaching body of horsemen for enemies and their embrace of one of his officers, sent to discover their identity, for his capture, and thus thinking the battle had gone against him and that all was lost, Cassius had his freedman, Pindarus, kill him.[1] Brutus, thus left in command, was a poor general and waged a losing fight. He too, when discouraged by defeat, died a Roman's death and his followers surrendered or fled to Sextus Pompey.

Afterwards in the contests between Antony and Augustus, the latter's part in the battle of Philippi became a subject of controversy. The truth of the matter seems to be that Augustus was sick, and a sick man makes a poor general. He had to be carried in a litter on account of his illness and he barely escaped capture. The military leadership was unquestionably Antony's, as it should have been, but Augustus was lacking neither in

[1] This story of Cassius' death is given by Appian, though Pindarus was never found and Cassius' dead body with his head severed from it was apparently the only evidence to support the story.

courage nor in that perseverance and determination that were peculiar to him and that carried him through so many trying situations.

After the victory Augustus and Antony proceeded to divide the world between them, Lepidus' share being made contingent on Augustus' investigation of the report that Lepidus had been false to his associates and had been conspiring with Sextus Pompey. But this was only a minor difficulty in the sea of troubles that Augustus found awaiting him on his return to Italy. Antony could proceed leisurely with his feasting through the East, receiving the obeisance of kings and cities, levying taxes and exactions and plundering temples to lay their beauties later at the feet of Cleopatra. But no such easy rose-strewn path of dalliance and unregulated power awaited Augustus.

One of the most trying and difficult situations of his whole career confronted him. A disloyal associate in Lepidus; Fulvia, the jealous and suspicious wife of Mark Antony; Lucius Antonius, Antony's brother, dissatisfied with results and anxious to start trouble; discontented legions demanding pay for which there was no money; a number of minor generals, in command of forces, either in open opposition or waiting for developments;—these were some of the difficulties with which he had to deal. And the most serious danger was Sextus Pompey, who, with his well-organized fleet, controlled the Mediterranean and shut off the grain supply on which Rome relied for existence.

Though sick and weak in body, Augustus did not falter.[1] With the assistance of his able lieutenants, Mæcenas and Agrippa, he proceeded to deal with these problems. By skillful manœuvers, Lucius Antonius, who with his forces had taken possession of Rome, was forced to retreat and to stand a siege in Perusia, where the siege was continued till Lucius, after having starved the slaves, yielded in unconditional surrender and he and his army were spared.[2] And thus the last civil war to afflict the people of Italy for over a century was brought to an end.

While dissatisfaction over the bounties to the soldiers and the securing of land for their colonies passes as the nominal cause of the war, the real motives behind it were unquestionably more personal. Apparently Lucius and Fulvia, seeing the perfidy of Lepidus and the physical weakness of Augustus, thought they had a good chance to concentrate world power in the Antony family; or else Fulvia, fearful of the allurements of Cleopatra, to which her husband had already yielded, started this trouble to recall him to herself and Italy. Antony's part in this confused situation is not clear. He was doubtless willing to have Augustus defeated and destroyed but he was displeased

[1] He was so seriously sick on his return to Italy that it was reported in Rome and generally believed that he had died.

[2] The report referred to by Suetonius that Augustus sacrificed three hundred of his captives to the memory of Julius Cæsar is manifestly untrue and has been given no credence by historians.

with his wife and brother because they had tried and failed. The issue had involved him too much for him to escape responsibility and so, forming an alliance with Sextus Pompey and some of the uncaptured forces of Brutus and Cassius, he came to Italy to settle matters with Augustus. Again public sentiment and the demands of the soldiers forced a compromise and the treaty of Brundisium in 40 B. C. again divided the world between Antony and Augustus. To seal the union, Augustus' beautiful and high-minded sister, Octavia, became the wife of Antony, Fulvia having fortunately died in Greece where she had gone to tell her troubles to her husband. Lepidus was sent off to Africa where he stayed till the war with Pompey later brought him and his legions to Sicily for his final appearance in the rôle of a triumvir.

The war with Sextus Pompey presented such a difficult problem that Augustus wisely decided that discretion was the better part of valor. He was not prepared to challenge Pompey's strength on the seas and though Pompey's forces ravaged the western coast of Italy by raids he was unwilling to risk a land engagement. As Pompey was able to deprive Rome and Italy of a large part of their food supply he held control of the situation. Pompey's mother, the widow of Pompey the Great, who was living in Rome, was induced to appeal to her son to arrange terms and Antony and Augustus met with him in the Bay of Naples on platforms over the sea so arranged that they could talk to

each other but could not capture each other. Though Sextus Pompey insisted on taking Lepidus' place in the triumvirate, this was opposed by Augustus and finally Pompey consented to make peace on terms which gave him Achaia, Sardinia and Sicily.

The signing of the treaty was celebrated by a banquet on Pompey's flagship, and when his admiral, Menas, suggested that the cables be cut, Pompey replied that he wished that Menas had cut the cables without telling him but that since he had told him, the "son of Pompey could not permit it." This incident shows that the treaty was probably not regarded by either side as a serious restraint upon future actions, and it was soon broken by both sides. Pompey's course of life since he had seen his father murdered in the Bay of Alexandria, and the influence of his associates, poorly fitted him for the position of an administrator working in friendly co-operation with Augustus to reorganize the western world.

A final and decisive contest between these two was as inevitable as the contest between Antony and Augustus. The initial clash in a naval engagement resulted in the defeat of Augustus and his admiral, Agrippa. Pompey failed to take advantage of the situation, and unlike other generals of ancient times, Augustus never accepted defeat as decisive of his cause. By patient industry and skill he and Agrippa built and manned another fleet and drilled it in the protected harbor of Naples and

the Lake of Lucrine, entrance to which had been effected by the building of a canal. Though this work disturbed the supply of Lucrine oysters, the people felt more the need of the wheat which Pompey's ships captured, than of the oysters, which the nobles of Rome so highly regarded as a gastronomical delicacy. With the new fleet ready, the second battle was fought in the Bay of Naulochus off the coast of Sicily. Victory rested this time with Augustus and Agrippa, and Pompey sailed away with a few ships to demand protection from his former ally, Antony. He met the fate of his father, being killed by one of Antony's lieutenants.

When Agrippa and Lepidus proceeded to the task of capturing Pompey's land force, a curious situation arose, fatal to Lepidus' intriguing but clumsy ambitions. By an agreement with the commanders of part of Pompey's army, Lepidus accepted their surrender on the condition that he should command the combined forces. Though this was opposed by Agrippa, it was carried out and Lepidus, then in command of twenty-two legions, announced his intention of claiming Sicily, and practically served notice of war on Augustus. Augustus demonstrated his bravery and force of character by riding alone and unarmed into the camp of Lepidus. Though struck with a javelin, he held his ground and won over to his authority the legions of Lepidus, who were unwilling longer to follow their stupid and intriguing commander.

Augustus showed his clemency by granting the humble petition of Lepidus to be permitted to live as a private citizen. For punishment, Lepidus was sent to Rome where his degradation from the position of one of the three rulers of the world to that of a private citizen would add to his humiliation. But Augustus refused the demand of the people that Lepidus be removed from the office of Pontifex Maximus and permitted him to fill that position till his death in 12 B.C.

Augustus was now to return to Rome to as sincere and enthusiastic a welcome as he ever received in his long career, and such a welcome he unquestionably deserved. By his victory over Pompey, he had relieved Rome from the very real danger that threatened her, and by his victory over Lepidus he had avoided the danger of civil war and removed from power an unworthy leader of the Roman people. And then he had in his first victory showed those qualities of the able organizer and the determined and persistent fighter; and in his last victory, he had displayed personal bravery and daring to which men in all ages and in all nations have paid their tribute of admiration and praise. Julius Cæsar at Alesia or Napoleon at the bridge of Lodi showed no more of that quality of leadership and daring than did Augustus when he rode unarmed into the hostile camp of Lepidus. And it was not the ill-considered act of a rash and angry man. Lepidus, with his twenty-two legions, had a larger and better trained force than did

Cleopatra

Considering the reputed attractiveness of Cleopatra, few likenesses of her have survived. This one can be fairly regarded as the most comely and therefore, we may assume, the best likeness.

From a bust in the British Museum

Augustus and Agrippa. Delay would have meant civil war; and civil war, under existing conditions, would probably have meant disaster and defeat. Before enmities could form, he could win away the legions from Lepidus, but it was doubtful if he could have won in battle against them.

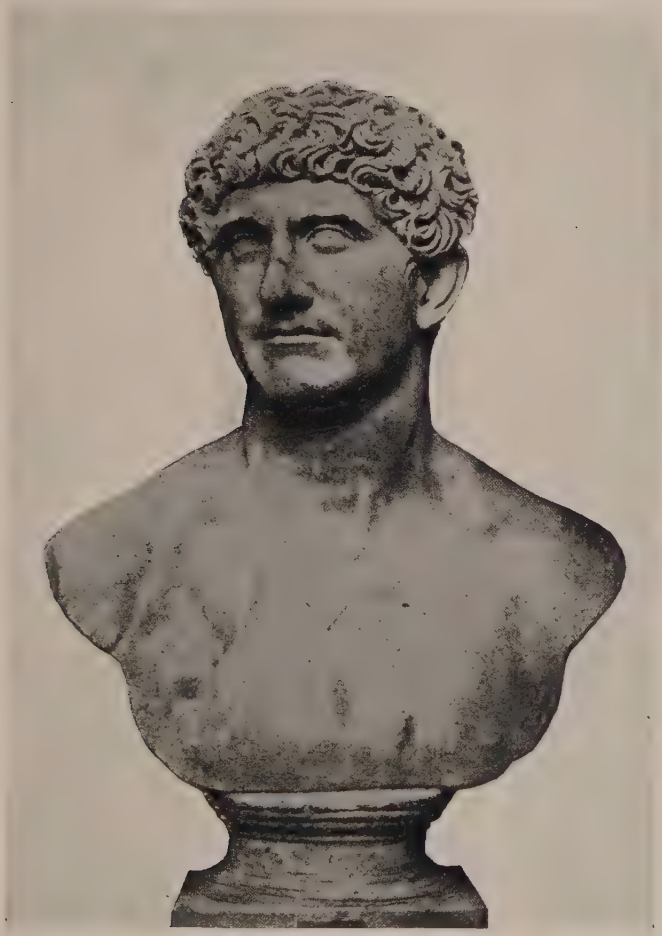
With his regard for tradition and custom, he greeted the people outside the *Pomœrium* and promised them peace and clemency. To make good his promise no proscription followed, and letters he had captured from Pompey were publicly burnt and taxes remitted. The gratitude of the people found expression in the gift of a public residence on the Palatine[1] and the granting of tribunitian power. He refused a triumph but accepted an ovation and the erection in the Forum of a marble column surmounted by his golden statue, which bore the inscription, "Peace long disturbed, be re-established on land and sea." But more fighting and the final issue with Antony had to be met before this universal hope was to be realized.

Before engaging in other wars he contracted a second marriage which was destined profoundly to influence his own life and the history of the

[1] The house that the people presented him had been the residence of the great orator and lawyer, Hortensius, Cicero's usual opponent in the trial of important cases. Augustus occupied this residence, which was not conspicuous for its size or magnificence until 6 B.C. when it burned down. The people then insisted on building him another home more magnificent than the former, the cost of which was raised by public subscription.

world. He was twice engaged, if we may use the modern term, once to Servilia, the daughter of his father's associate, and second, to Clodia, the daughter of Fulvia, Antony's wife, by her second husband, Clodius. Both these engagements were broken, the latter by reason of political developments which made a marriage with Scribonia, a relative of Sextus Pompey, seem advisable. Scribonia was much older than Augustus and had been twice married. He divorced her on the day she bore him his only child, a daughter, to whom he gave the name of Julia. The cause of the divorce was given as Scribonia's bad temper, but the political and military situation probably brought about the end of the marriage as it had caused it in the first place.

When Augustus returned from Philippi to the trying situation that confronted him in Italy, Tiberius Claudius Nero, who was among those proscribed, commanded a garrison in Campania. When Augustus won at Perusia, Nero fled to Pompey, but by the treaty of Brundisium he was permitted to return with his wife, Livia Drusilla, and his son, Tiberius. Livia was of the Livii family and also connected with the Claudii family, of which her husband was also a member. We do not know how Augustus and Livia became attracted to each other, but that they did is evident. She was, if we are to accept the statues and engravings as reliable, a beautiful and noble looking woman. She was over twenty years younger than



Marcus Antonius

There is a marked difference in appearance between the busts and statues which are assumed to be likenesses of Antony. This one is generally accepted as the best.

In the Vatican Museum, Rome

her husband, Nero, to whom she had been married at the age of fifteen, probably by reason of financial or political considerations. Nero willingly divorced her at the request of Augustus and gave a dinner in honor of the marriage, which the priest declared lawful and regular, though three months later she was to bear another son, who is known in history as Drusus. This child and Tiberius were given to their father, but on his death three years later they were returned to their mother, and Augustus was made their guardian by the will of Nero.

I have stated the details of this marriage, as it, with the killing of Cicero, is frequently referred to as a serious count in the general indictment against Augustus. In the matter of his marriage and divorce, Augustus was no worse than and no different from many of the greatest of Roman generals and statesmen of that and prior periods.

The moral standards relating to marriage and divorce that existed in the Republican period were certainly no better than those that existed during the Empire. Cicero, who seems more like a man of our own period than any other Roman statesman, with the possible exception of Augustus,[1]

[1] Cicero's modernity is chiefly due to the fact that so many of his letters have been preserved. These, more than his finished orations, give us such insight into his life and his manner of thought that he appears a living and human figure after a lapse of two thousand years. If we had more of the letters of other leaders in Roman life they would doubtless seem much nearer to us. The letters of Cicero, together with the literature of the period, show that men and women thought and talked then much

divorced his wife, Terentia, upon a trifling and unquestionably dishonest pretext, after a long period of happy married life, in order to marry a young girl who had enough money to help relieve his chronic condition of financial embarrassment. Cæsar had four wives without counting Cleopatra, none of whom bore him a son. His first marriage to a young lady of fortune named Cossutia,[1] he summarily dissolved in order to marry Cornelia, the daughter of Cinna, to whom he seems to have been sincerely attached, as he refused to divorce her at the command of Sulla. He afterwards married Pompeia, a relative of Pompey the Great, whom he divorced on account of a scandal with Clodius, not because he thought her guilty, but because, as he asserted, Cæsar's wife "should be above suspicion." His last wife, Calpurnia, survived him and was responsible for the funeral ceremony which resulted so disastrously for his assassins and the schemes of Antony.

The younger Cato, to whom historians give the title "The Last of the Romans," and who was

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as we do today. It is certain that they did not talk in the stately language of Cicero's orations. Shakespeare's classical dramas have created the impression that the ancient Romans talked as do the characters in his immortal plays. This is another of the mistaken conceptions of Roman history.

[1] There is some confusion in the authorities as to the number of times Cæsar was married. Froude, Cæsar's great eulogist, claims that his relations with Cossutia did not progress beyond a formal engagement, which was arranged by their parents and that Cæsar broke it to marry Cornelia.

known as a strict censor of morals, divorced his wife upon the charge of adultery after she had borne him two sons. His second wife he divorced in order that she could be married to the orator, Hortensius, after whose death he married her again.

Antony had a whole string of wives and mistresses. He married Phadia, then Antonia, whom he divorced and lived publicly for a while with Citheris the actress, which was then regarded as very reprehensible conduct. He then married Fulvia, who had already been twice a widow and one of whose husbands was the notorious Publius Clodius. On her death he married Octavia and before he had divorced Octavia he was married to Cleopatra.

So the matrimonial record of Augustus was not unusual and in comparison with those of others, cannot be said to constitute a basis of criticism.

Marriage among the Romans was more of a matter of contract than of status and was often based on financial and political considerations. But this does not mean that marriages were not usually entered into by reason of love and affection and we have the record of many marriages that were as fine and pure and unselfish as are to be found in modern society.[1] Such was the marriage

[1] No more beautiful story has come down to us from ancient civilization than that which Warde Fowler tells in his *Social Life in Rome*, of the happy marriage between Q. Lucretius Vespillo and Turia, his wife, and of their devotion to each other. The mar-

of Augustus and Livia and after fifty years of married life his last words were those of tenderness and affection with which he bade his wife goodbye.

Though Julius Cæsar had extended Roman dominion from the Alps to the Rhine, the territory within a few miles of the shores of Italy and between the Adriatic and the Danube, was still enemy territory. Rome's nerves were still unsettled by the recollection of the danger of Pompey's blockade and the fear of an invasion from Illyria created much concern. To the removing of this danger, Augustus next turned his attention and won some brilliant victories and honorable wounds. Dalmatia and Pannonia were conquered, and within the next fifteen years all the territory between the Danube and the Adriatic was organized into Roman provinces. This territory with the territory in Spain, Germany and Egypt which Augustus added to the Empire exceeded in extent that brought under Roman rule by any other general.

While satisfaction with Augustus and the peace that he had brought to Rome was steadily increasing, it was generally recognized that a final issue must be decided between him and Antony. Following the treaty of Brundisium, Antony, accom-

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riage relation there disclosed would well serve as both an inspiration and example for the people of today.

(*Social Life in Rome*, Fowler, pp. 160–167.)

Marriage with the Romans was a religious ceremony and required several days for its proper celebration.

panied by Octavia, had gone to Greece, where at Athens he laid aside the rôle of the reveler and became a student and patron of art. Preliminary to the war against Pompey, Antony returned to Italy and met Augustus at Tarentum, where he traded Augustus some ships for troops, the former for Augustus to use against Pompey and the latter for Antony to carry on his campaign against Parthia. The triumvirate was renewed for another five years. After this meeting in 37 B.C. Antony returned to the East, leaving Octavia with her brother and Antony and Augustus did not meet again until the battle of Actium.

Cleopatra joined Antony in Syria where they went through a marriage ceremony and he publicly acknowledged the twin boys she had borne him and gave them the oriental and celestial titles of the Sun and Moon. Rome was kept advised of what Antony was doing and Octavia, who was faithful to her husband, tried to rescue him from his entanglements with Cleopatra and aid him in the mess he had made of his eastern campaigns. She started for the East with a body of picked troops and valuable presents. But she was turned back at Athens by a letter from Antony commanding her to come no farther, though he basely accepted and kept her presents. Augustus, in bitter resentment over the treatment of his sister, sought to induce her to repudiate Antony, but she declined to do so and continued to care for his children by Fulvia and to keep open his house in Rome.

At Alexandria Antony and Cleopatra viewed his triumph over the King of Armenia, which he won by treachery, from two golden thrones placed on a silver tribunal. The Roman people heard with anger and amazement of his relations with Cleopatra and that he had acknowledged the legitimacy of Cæsarion as Julius Cæsar's son, associated him in the government of Egypt and assigned to his own children by Cleopatra the government of Roman provinces. He also formed an alliance with the King of Media by the marriage of his son to the King's daughter. How much of truth, how much of propaganda there was in the stories told as to Cleopatra's plans and ambitions and also as to their revels and dissipation, it is impossible to say. But to her was attributed a boast that she would rule at Rome, "dictate her decrees in the capitol and give laws to the Roman world amid the statues and trophies of Marius."

In 32 B.C., pursuant to agreement, two friends of Antony became consuls and one of them signalized his entry into office by an attack on Augustus. Hurrying to Rome, Augustus took his place between the consuls in the senate and answered their charges by a counter attack on Antony, disclosing the provisions of the latter's will[1] and offering the testimony of two of Antony's unfaithful lieutenants, that it was his intention to make Alexandria

[1] There is some doubt as to whether Augustus learned of the provisions of the will through the attesting witnesses or by forcing the Vestal Virgins to surrender the copy deposited with them.

the capital of the Empire. These disclosures, together with Antony's treatment of Octavia, so aroused public sentiment against him that when he and Augustus met at Actium it was not in a war between two rivals for Roman power, but a war between Rome and Egypt, between the West and the East, between the oriental idea of monarchy and the principles of republicanism which were exemplified in the government of Rome.

The battle of Actium fought between the fleets of Augustus and Agrippa and those of Antony and Cleopatra in the sight of the rival armies assembled on the shores was one of the most dramatic and decisive battles in the history of the world.[1] Although Creasy does not give it a place in his list of decisive battles, upon its result depended more of human happiness or woe, more of meaning and consequence to more people than has often depended on the issue of human bravery and skill.

Why, before the battle, Cleopatra and Antony apparently prepared for flight by placing their treasures on board the ships; why Cleopatra sailed away when the issue was still uncertain and whether it was Antony's uncontrollable passion to

[1] Augustus and Agrippa had under their command land forces amounting to fifteen legions and ten thousand horse, numbering about eighty thousand men, while Antony and Cleopatra had nineteen legions and ten thousand cavalry, their entire force numbering about one hundred thousand men. The latter had five hundred ships while Augustus and Agrippa had about three hundred and the ships of Antony and Cleopatra were much heavier than those of their opponents.

be by the side of his mistress, his fear of defeat, or some other reason that caused him to cowardly and stupidly abandon his forces to follow her, are questions which have given much trouble to the historians.

The simplest and therefore the most probable explanation of Cleopatra's flight is that she was inexperienced in actual fighting and fearing the battle was going against her and she would be captured, womanlike, on the impulse of the moment, sought safety in flight.[1] But why Antony, able and experienced soldier that he was, did, in the heat and enthusiasm of battle, desert his fleet and his army and follow her is very hard to understand. There are so many angles to the situation and so many speculations possible that it is unwise to try to consider them all.[2] The placing of the treasure on the ships before the battle would seem to indicate that they contemplated flight, but it may also be explained as only a preparation in anticipation of possible defeat. But even with the desertion of Antony and Cleopatra, the result was still in doubt and victory was won for the forces

[1] Ferrero's contention that Cleopatra's flight is to be explained on the theory that she feared that she would lose her authority and control over Antony if they won, is as fanciful as his contention that their relations were largely an "economic proposition."

[2] The theory advanced by some historians that Cleopatra did not think that Antony would follow her and that she could, by flight, be able to make terms with Augustus in case he won or effect a reconciliation with Antony if he was victorious is more plausible.

of Augustus and Agrippa only through their skill and foresight in providing fire balls with which the large and unwieldy ships of the enemy's fleet were set on fire. In this way over three hundred vessels of the opposing fleet were burned. It was characteristic of the clemency of Augustus that he remained with his fleet throughout the night rescuing the soldiers and sailors who had been driven by the flames of the burning vessels to leap into the sea.

Augustus did not move immediately on Alexandria. He had to make a hurried trip to Brundisium to quell a mutiny among the legions which seemed to be always clamoring for their pay. He then, in his usual, cautious manner, proceeded to organize his army and his expedition to close the final act in this great world tragedy of love, ambition, intrigue and death, which had begun nearly twenty years before when Cæsar crossed the Rubicon. In the interval between the battles of Actium and Alexandria, Cleopatra and Antony had periods of activity and hopefulness in which wild schemes were made only to be abandoned. One of these was to drag their remaining ships over the narrow strip of land between the Red Sea and the Nile and try to found another empire in the Far East away from the reach of Augustus and his legions. Then they sought to rally again the minor kings of the East to their standard, but those potentates had the disposition to rally only in support of what looked like the winning side. In their prosperous days in

Alexandria, Antony and Cleopatra had organized for their dissipations the "incomparable livers," which organization they now changed into "companions in death." But their efforts to secure aid were fruitless as their pretentions to pleasure were hollow mockeries.

Cleopatra was willing to save herself by sacrificing Antony if she could only do it successfully. Both sent communications to Augustus. Antony pleaded to be permitted to retire as a private citizen to Athens. But the young man who, fourteen years before, had been treated with insolence and contempt by Antony at Rome, now coolly declined his humble plea for life. To Cleopatra, who plead for her throne of Egypt, Augustus gave a noncommittal reply suggesting that she first dispose of Antony. This she tried to do by having her fleet surrender and by sending Antony news that she was dead. When this double disappointment accomplished the result she doubtless intended and Antony stabbed himself, her emotions got the better of her selfishness and she had him carried to her mausoleum where she had fled in fear of her life.[1] Here history tells us he died in her arms, listening to her passionate assurances of love and regret over the disaster and humiliation she had brought upon him.

Ancient historians are not agreed as to the details

[1] Antony, suspecting the treachery of Cleopatra, was in a bitter rage against her and it was news of his anger that caused Cleopatra in fear to seek refuge in her mausoleum.

of the interview between Augustus and Cleopatra or as to the details of her death. That they had an interview is certain, as it is also certain that she was thinly clad (in the case of ladies such details are important), though the authorities disagree as to whether her garment consisted of a gorgeous royal robe or a night gown. They also differ as to the nature of her appeal to Cæsar, though she unquestionably tried to arouse his emotions and his sympathy by emphasizing their common devotion to the memory of the great Julius. But if she tried to win Augustus as she had won Julius Cæsar and Antony, her efforts were unavailing as the latter received her coolly. Only once did Augustus display any feeling and that was of amusement when her treasurer accused her of "holding out" part of her royal treasures and she rewarded him for his disclosure by pulling his hair and scratching his face.

Forty years of life, filled with various hectic love affairs[1] had well qualified her to know whether her final effort to win the master of the world had won or lost. And when her feeling that she had failed was strengthened by the disclosure of an infatuated general that Augustus intended to exhibit her in his triumph, she decided to end it all by suicide. Whether the method was a poisoned dagger or an asp, the authorities do not agree, though the latter

[1] Cleopatra, between her relations with Julius Cæsar and Antony found time and disposition for a love affair with Herod the Great, who ruled Judea.

method seems more in harmony with the life and character of this remarkable woman. To the Romans, as to us, she seemed an Egyptian, a typical representative of that Egypt of the pyramids and the Nile with its strange customs and mysterious religions. But she was a Greek, the descendant of Ptolemy who was an illegitimate son of Philip of Macedon. As one of Alexander's generals and half brother, Egypt had fallen to him as his share of Alexander's empire.[1]

To Cleopatra belongs the doubtful distinction of being the mistress of two of the greatest leaders of the Roman world, one its absolute, the other its potential master; and she contributed to the death of the former and to the humiliation and death of the latter. When Cæsar first met her in 48 B.C. she was twenty years of age, in the full bloom of any beauty she ever possessed, though Plutarch assures us she was not distinguished for good looks, and if the statues and coins are to be taken as dependable evidence, the hook-nosed, keen-eyed, thin-faced likeness they present, fully confirm Plutarch's statement. But she had sufficient charms and attractiveness to win and hold both

[1] Some of Cleopatra's ancestors married Syrians and she had therefore some infusion of Syrian blood, but whether the Syrians who appear in her list of ancestors were Seleucids or native Syrians is not clear. Cleopatra's death brought to an end the existence of Egypt as an independent power and it continued to be ruled by other nations or rulers until 1922 when through the action of the government of Great Britain its separate and independent existence was again established.

Cæsar and his lieutenant, neither of whom can be regarded as being inexperienced with women.

Cæsar, notwithstanding the vigorous protests of some of his biographers, unquestionably was held at Alexandria a dangerously long length of time by the attractions of her society and she followed him to Rome and was living there as his mistress in a villa at the time of his assassination.[1] How much his relations with Cleopatra may have contributed to the formation of the conspiracy against him is largely speculation, though that it was a factor in producing the general feeling of opposition and dissatisfaction is supported by historical evidence. That she won the love of Antony and ruined his chances of becoming the master or continuing as one of the two rulers of the world, seems entirely clear. The contention of Ferrero that Antony's relations with her were prompted by a desire to use the wealth and the power of Egypt to support his political fortunes and military ambitions, is palpably unsound.

But in Augustus she met a man who was master of himself as he realized he was master of the world,

[1] Even after Julius Cæsar had secured reinforcements and released himself from the condition of siege in which he was held in the palace at Alexandria, he dawdled away a valuable three months in a trip up the Nile with Cleopatra. In contrast with his great-uncle, Augustus seems never to have wasted any time in amours when the affairs of the Empire required his attention. Even those attributed to him by Suetonius are explained as having been engaged in to discover state secrets rather than to gratify his own desires.

and in his attitude towards her children, he was equally cool and calculating. He had entered Alexandria not as a conqueror but by the side of Arius, the philosopher; for Alexandria was then, as it was destined to continue for centuries, one of the educational centers of the world. When in doubt as to the course he should pursue in reference to Cleopatra's children, he discussed the question with his philosopher friend, who suggested that it was best that the "world do not have too many Cæsars." And so Cæsarion and Antyllus, Antony's oldest son, both of whom had assumed the rôle of manhood, were executed to make more certain the peace of the world.[1] The three children of Antony and Cleopatra were taken to Rome to grace Augustus' triumph, and they afterwards lived there under the care of the virtuous Octavia with Antony's other children by Fulvia.

With Egypt now added to Roman dominion and with order and Roman rule restored throughout the East, Augustus returned to Italy in 29 B.C. How markedly different were the conditions and the reception that awaited Augustus on his return

[1] The execution of these young men seems to have aroused an unwarranted amount of sympathy from tender hearted historians when we consider that they had assumed the position of men and were in open rebellion against the government which Augustus represented. Augustus also executed Canidius, the commander of Antony's land forces at the battle of Actium, Cassius Parmensis, the last survivor of the assassins of Julius Cæsar and Q. Orinius, a Senator who had disgraced the Roman name by becoming overseer of the weaving factories of Cleopatra.

Plutarch's Antony, page 81.

to those which he faced when he returned from Philippi twelve years before! Now there was no honor or power that Rome was not glad to confer upon him. Peace reigned throughout Italy, which was already showing the results of its blessings, while the world looked forward to its continuance with happiness and hopefulness. And to the man now only thirty-three years of age who had brought about these changed conditions by fifteen years of hard fighting and clear thinking, by his courage and his determination, the world was ready with its tribute. For three days the triumphs that were decreed for his victories in Illyria, for Actium and Alexandria, moved along the Sacred Way to the Capitol, where Augustus made his sacrifices and paid his tribute to the Immortal Gods, who through him had finally granted the hopes and prayers of a war-torn and war-weary world.

Rome had never before and was never again to celebrate with such sincerity and enthusiasm a triumph of one of her leaders; and it was three hundred years before Rome, celebrating a victory over another queen of the East, witnessed again a triumph equal in pomp and ceremony and magnificence to those in honor of Augustus.

CHAPTER IV

THE ROMAN PEACE AND THE NEW CONSTITUTION

THE Roman people, as they watched for three days the stately triumphal processions wend their way to the Capitol, had a two-fold cause for gratification and joy. The period of the civil wars seemed to be at an end and peace an assured reality; and then the fear that Cleopatra would rule the Roman world, as she had boasted she would, was now gone forever. That this was a real fear and not one manufactured by the shrewdness of Augustus and his followers, we can well understand.

Egypt was the richest country in the world, much richer than war-torn and devastated Italy. The fleet that Antony and Cleopatra brought to the conquest of the West was, on paper at least, larger and stronger than that of Augustus and Agrippa, and the army commanded by Antony, with the numerous auxiliary troops, was larger than the army of Augustus and Agrippa. There was moreover the feeling, notwithstanding the failure of the expedition against Parthia, that Antony was the great military leader of the day. While Augustus had won some hard fought battles and honorable wounds in his war against the Dalma-

tians, Rome had not forgotten the stories of his incapacity as a soldier and his narrow escape from capture at Philippi; and until the battle of Actium, Antony and Cleopatra were the aggressors, and Augustus and Agrippa on the defensive.

It is not surprising, therefore, that Rome had a real fear that a foreign woman and an Egyptian would mar the record of Roman leadership by "dictating her decrees from the capitol." So substantial was the belief in the success of Antony and Cleopatra and so important did it seem to be on the winning side, that almost a third of the senate, the two consuls and many leaders in public affairs left Rome to join Antony when Augustus announced that all who wanted to go could do so. What would be the fate of these men who in this final cast of the die by the hands of fate had lost? Would there follow the same list of bloody proscriptions that had cost Rome so dearly in the wars between Marius and Sulla and had marred the record of the Second Triumvirate? Or would Augustus follow the example of Julius Cæsar after Pharsalus? That he did follow the latter course added joy and satisfaction to the celebration of the triumphs and his tactful consideration was shown by the absence from the triumphs for Actium and Alexandria of anything to show that Antony was the defeated party. A waxen image of Cleopatra reclining upon her couch, clothed with her gorgeous robes of state with an asp clinging to either arm, was carried in the procession, as were also her three

children by Antony. But with this exception, a policy of respectful oblivion was adopted for the dashing soldier and stirring orator who had filled such a large page in Roman history and had made such a dismal end.

Cart loads of gold and silver from the treasury of Egypt, together with other royal treasures, excited the interest and aroused the satisfaction of the people as they looked forward to liberal bounties and gifts. Nor was this hope to be disappointed, for $55 was given to every soldier and $20 to every citizen. Even the boys received a present in the name of Augustus' dear young nephew, Marcellus, the son of Octavia by her first husband, who, with Augustus' stepson, Tiberius, rode the horses that drew his chariot in the triumph.

There was one significant change from the triumphs of other days. In other triumphs the victor had marched with his colleagues and senators. Now Augustus rode in his chariot, clothed in his gold-embroidered purple toga, with a laurel branch in his hand, a slave holding a golden crown over his head, his colleagues and the senators following humbly in the rear. But, if this change caused dissatisfaction here and there in the breast of some ardent republican, it found no expression. Nothing happened to mar the gladness of the people as they joined in the festivities that followed for many days, witnessed the dedication of temples, saw foreign captives fight to the death in the arena, saw for the first time the rhinoceros and

hippopotamus and other strange animals that were killed in the great animal hunt, saw the noble youths fight the battle of Troy in the circus, and finally saw Augustus close the doors of the temple of the War God, Janus, to signify to all the world that Rome was at peace *after victory*.

For the first time in nearly two hundred years and for the third time in over seven hundred years, Rome was at peace—a peace won by the valor and the steadfastness of her leader and her legions. Peace became the ruling passion of the period. Pax and Irene, the Goddess of Peace, became the favorite words of West and East. Away off on the Danube, Crassus, one of Augustus' generals, was waging a border war for the subjection and organization of Mœsia as a province, but this did not interfere with the technical and actual condition of world-wide peace. Henceforth the wars of Rome were to be of her own making, and not for a hundred years were Romans to meet each other as they had so often done before in the fierce contests of civil strife. Romans, who had won the mastery of the world, had now drunk their fill of war and bloodshed and the peace which they now established, gave a freedom from wars to a larger number of people of the western world for a longer period of time, than had ever been known before or was to be known again for over two thousand years.

In the literature of the day the tributes to peace leave no doubt of the gratification of the world.

Velleius Paterculus, in eloquent words thus states its blessings:

> There is no good which men can desire of the Gods, none that the Gods can bestow on men, none that can be conceived in wishes, which Augustus did not realize to the state, to the Roman people and to the world. The civil wars, which had lasted twenty years, were ended, foreign wars were suppressed, peace was recalled, the fury of arms everywhere laid asleep, energy was restored to the laws, authority to the courts of justice and majesty to the senate.

Coins were struck and temples and monuments were built to celebrate the advent of peace and to express hope for its continuance.

I have tried to emphasize the popular enthusiasm and gratification over the belief that peace was now to reign throughout the world, for the constitutional changes that were to follow resulting in the organization of the Empire on the ruins of the Republic, can be understood only as we understand the intense desire of the people for peace and their confidence in the man who had made it possible. One hundred years later the women of Rome might offer their prayers to Mars for wars to come again in order that their sons might have manly occupation and training, but now all thoughts and hopes were away from war.

That peace had now come to the Roman world and that a sense of security as to freedom from wars and internal disorders was felt such as had

never been felt before, was made clearly evident by the reduction in the size of the army. Augustus had dismissed eight of the forty-three legions he had under his command after the victory over Sextus Pompey in 36 B.C.[1] But now that Antony, his only remaining rival, had been disposed of and no enemy power threatened the security of the Empire, he reduced the number of legions to twenty-five.[2] Of these twenty-five legions, three were stationed in Spain, but recently reduced to a condition of peace, thirteen were distributed in

[1] After Augustus' victory over Sextus Pompey in the naval engagement in the Bay of Naulochus and after he had deposed Lepidus he had under his command forty-three legions, twenty-five thousand cavalry and thirty-seven thousand auxiliary troops. As Antony had organized at this time for the invasion of Parthia, an army of sixteen legions and over fifty thousand auxiliary troops, one of the largest armies that Rome ever placed in the field, and as he had eleven other legions under his command scattered throughout the East, the combined military forces of the two triumvirs must have numbered nearly half a million men.

[2] The records are not entirely clear as to the military forces under the command of Augustus before and after the battle of Actium. Some of the historians state that he reduced the number of the legions to twenty-three, others fix the number at twenty-five. This confusion is due to the fact that some of the legions bore the same number. After the massacre of the three legions under Varus, the seventeenth, eighteenth and nineteenth, those numbers were dropped from the rolls and were never again recruited. Augustus, in the Ancyranum inscription says: "About five hundred thousand Roman citizens took the military oath of allegiance to me. Of these I have settled in colonies or sent back to their municipia upon the expiration of their service, something over three hundred thousand and to all of these I have given lands purchased by me or money for farms out of my own means." Par. 3.

the provinces located along the Rhine and the Danube, two in Dalmatia, three in Syria, three in Egypt and Africa, where Rome had brought to an end her great duel with Carthage, was now so peaceful that one legion[1] was sufficient to preserve order. In addition to these legionary forces there were nine thousand men of the Prætorian Guard, all of whom were citizens of Italy, a special body-guard for the Emperor of a few hundred men, and the four cohorts which served as a police and fire department for the capital.

To Augustus and Agrippa must be given the credit of being the joint founders of the Roman navy, though the Romans never fully realized the advantages of sea power. Two fleets were maintained in the Mediterranean to police its waters and small flotillas were maintained on the Rhine, the Danube and the Black Sea.[2]

[1] While the size of a legion varied at different periods, in the time of Augustus it consisted of six thousand men when fully recruited, being divided into ten cohorts of six hundred men each. But with the auxiliary troops the size of the legion often amounted to as much as seventy-five hundred. The legion corresponded to a division in our military establishment in that it included all branches of the service. During this period only citizens or provincials admitted to citizenship on enlistment were eligible, though this rule had to be relaxed at times by reason of military necessity.

[2] One of the naval bases in the Mediterranean was at Ravenna and the other at Misenum, where through a canal built by Augustus and Agrippa during the war with Sextus Pompey, entrance was had to the safe landlocked harbor of the Lucrine and Avernian Lakes.

The *Pax Romana*, the Roman peace, that was now to spread its blessings over the western world must not be understood as meaning only the absence of foreign wars. It included the peace within as well as the peace without. It meant even more than an absence of civil wars, revolutions and proscriptions; it meant order and security and protection of life and property and the effective administration of just laws. Up to the time of Augustus, Rome and other cities throughout the Empire had no police or fire department. The capital city of the world was unsafe after dark for pedestrians unless protected by a private guard, and disastrous conflagrations frequently swept the city with great loss of life and property. It is difficult to understand how this practical minded people with such capacity for organization and system could have failed to provide these essentials of municipal life.

But now Augustus designated three cohorts, numbering three thousand men, as city police and one cohort as a fire department, under the command of a city prefect, an ancient office which he revived and which soon grew in importance so that it overshadowed the other municipal magistracies.

Henceforth the poor as well as the rich could go forth at night without the fear of violence, and the establishment of order was general throughout the Empire. In the disorganization of the civil wars, armed and organized bands of brigands made travel dangerous and life and property insecure

on the land, as did the pirates on the seas. These conditions were now brought to an end. Through the policing of the cities, the highways and the seas, one could travel in safety, with his "bosom full of gold," from the North Sea to the cataracts of the Nile, from the Pillars of Hercules to the Euxine. And the energy and labor that for over a century had been devoted to wars and revolutions were now turned to the arts of peace and to the production of prosperity and plenty.

It was upon the foundation of such a social order, and it was with the general confidence and gratitude of the people, that Augustus turned to the construction of his new system of government and law.

Much of the history written at this period by the historians of the first and second centuries consists of long speeches and discourses that the leading actors in the drama of world affairs were supposed to have delivered. That most of these speeches are the product of the historian's imagination, with small and sometimes no foundation in fact, is generally recognized. But they reflect at least the divergent views of the period which were expressed in the Forum and in the political discussions of the ruling class of society. Dion Cassius, an Alexandrian who wrote in Greek in the second century A. D. gives at some length the speeches of Augustus, Agrippa and Mæcenas when Augustus met with his two friends and chief lieutenants to discuss the course that he should now pursue.

Several policies were considered: First, for Augustus to retire to private life and permit the Republic to be re-established as it was before Julius Cæsar crossed the Rubicon,—a policy which Dion Cassius reports Agrippa as urging on Augustus. If Agrippa gave such advice it was contrary to all that history warrants us in believing of this capable, versatile and remarkably able man.

Mæcenas, who for ten years as Augustus' representative, had ruled Rome in the latter's absence and who without official position was his chief counselor, as Agrippa was his chief military and naval commander, is reported as advising the plan which was adopted. The plan may have been considered of establishing frankly and openly a monarchy, and had Augustus, with fifty legions under his command decided to dismiss the senate and take over the absolute control of the world, it is difficult to see what power or influence could have restrained him. But that Augustus had a sincere desire to establish that form of government which would best contribute to the happiness and welfare of the world, is not only the simplest explanation of his conduct but the one most in harmony with the facts and the record he made before and after.

Sixteen years before, at an age when the modern boy is entering the freshman class of a university, Augustus had plunged into Roman politics and war with the determination to avenge the death of the uncle who had adopted him as son. In the

execution of this purpose he had formed the other resolution to bring peace to a war-worn and distressed world. And now after fifteen years of fighting on land and sea, after having braved the dangers of five civil wars, there was nothing to appeal to him in the argument that he should retire to a life of comfort and ease and leave the world without leadership. It was for no such Quixotic purpose that he had worked and dared. He had seen, as every Roman leader from Tiberius Gracchus to Antony must have seen, that the form of government under the Republic was fatally deficient and directly contributory to the wars and revolutions, to the anarchy and bloodshed that had taken such a heavy toll of human lives. While Augustus' great mission was to be one of healing the wounds of war, he realized that such wounds must again be inflicted upon society unless the form and system of government was radically changed.

Government under the Republic showed clearly the protest against the tyranny which preceded it and which it supplanted. The system of checks and balances incident to the division of executive authority between two consuls and the veto of the tribunes made it necessary in every crisis for Rome to choose a dictator. After the dictator had been chosen and had exercised his authority, the feeling of self-preservation prompted him to retain it. If only high-minded, honest men had filled the senate and the magistracies under the Republic, the system might have worked without the in-

evitable result of civil strife and bloodshed. In fact, under such conditions, any system might have worked. But while Rome was theoretically a Republic, and all power theoretically rested in those entitled to vote, it was in reality an autocracy controlled by a senate filled with selfish, jealous nobles, more interested in the ascendancy of their own faction than in the welfare of the state.[1] The mystic letters S. P. Q. R. placed upon the standards and engraven upon the temples, monuments and public buildings, emblematical of the power and authority of the Republic stood for *Senatus Populus Que Romanus*, the senate and the people of Rome; not the senate of the Roman people, not even the people and the senate; but the emphasis is always on the senate and its authority.[2]

[1] From 146 to 49 B.C. the Senate, not the assembly, ruled Rome, and both the Senate and the magistracies were in the hands of a class which, in defiance of the law, arrogated to itself the title and privileges of a nobility. . . . It was but rarely that the assembly was called upon to decide questions of policy, and then the proposal was usually made by the magistrate in obedience to the express directions of the Senate. In the enormous majority of cases the matter was settled by a senatus consultum, without any reference to the people at all. The assembly decides for war or peace, but the conduct of the war and the condition of peace are matters left to the Senate. (Henry Stuart Jones, in the *Encyclopædia Britannica.*)

[2] The Roman conception of a Republic was not the representative democracy of modern times. It was of a *Res Publica*, a public thing that belonged to the people in contrast to the oriental idea of monarchy which belonged to the ruling house or dynasty. This conception of government was not only a new one, but it persisted and formed the basis of the constitutional monarchies and republics of modern history.

The comitia through which the people voted for the public officials and the measures submitted to them, were so manipulated that a factional minority often controlled a majority. It was only with the assistance of politicians like Cæsar or under the leadership of soldiers like Marius that the popular party could hope to win against the aristocracy. And even then, force must be used against force, and a majority of the ballots was effective only when force and violence could not defeat its verdict. Every general or proconsul who commanded an army and fought Rome's battles and added to Roman dominion had confronting him the problem of violating the constitution and using force to control the government, or of returning to Rome as a private citizen and facing the danger of prosecution at the instance of some political or personal enemy. And Augustus, as he discussed with his two trusted advisors the course he should pursue had this record of one hundred years of civil strife and bloodshed, of its successions of dictatorships and proscriptions, to tell him that the same experience was again in store for the Roman people, if he should fail now in his duty to the Empire.

There is no reason to believe he hesitated. Doubtless in the lassitude and depression that came to him at times from sickness he would have preferred to retire to the pleasures of the easy-going life of a Roman gentleman. But one who had fought his way to the mastery of an empire

at thirty-three years of age did not deceive himself as to what such a course would mean. Historians, ancient and modern, have delighted to expatiate on the craftiness and hypocrisy of Augustus. When he said he wanted to do something, they have assumed he did not want to do it, and when he has said that he did not want to do something, they have assumed that he had an opposite intention. They have persistently violated the wise admonition of Mark Twain not to try to see in an incident more than there is in it.

In 28 B.C., he declared at an end the authority that he had exercised as triumvir and the acts under which he had ruled. In a speech in the senate, reviewing the work he had done and the course he had pursued since he became a public official, he declared at its close, "And now I give back the Republic into your keeping, the laws, the troops, the treasury, the provinces are all returned to you. May you guard them worthily." This declaration has been treated as insincere and dishonest. The truth is, it was neither. Conference and discussion with the leaders of the state had doubtless resulted in some understanding as to the necessary constitutional changes. But in order that these could be legally and regularly effected, it was necessary that the extraordinary powers he possessed, as the surviving triumvir, should be terminated and the senate be thus enabled to take up the question of constitutional reform. That there must be created an executive authority, effective in times of both

war and peace, was the one important result to be accomplished. Hitherto the senate had been the dominating authority and its attempted exercise of executive duties was the cause of much of the confusion and disaster. The correction of this defect was accomplished by conferring executive power upon Augustus and by giving him such honors and distinctions as emphasized his position of primacy and authority.

Eight years before, following his victory over Sextus Pompey, "by a decree of the senate his name has been included in the Salian hymn[1] he had been declared sacrosanct and invested with tribunitian power."[2] The additional powers conferred upon him in 28 B. C. are thus described in the *Monumentum Ancyranum:*

In my sixth and seventh consulships when I had put an end to the civil wars after having obtained complete control of affairs by universal consent, I transferred the commonwealth from my own dominion to the authority of the senate and Roman people. In return for this favor on my part, I received by decree of the senate the title, Augustus. The door posts of my house were publicly decked with laurels, a civic crown was placed above my door and in the Julian Curia was placed a golden shield, which, by its inscription bore witness that it was given to me by the

[1] The Salian hymn, which was chanted by the Salian priesthood on the first of March in honor of Mars and Janus, hereafter included a prayer to Augustus as savior of the Roman people.

[2] *Monumentum Ancyranum.*

senate and the Roman people on account of my valor, clemency, justice and piety. After that time I excelled all others in dignity, but of power, I held no more than those also held who were my colleagues in any magistracy.

In the sixth paragraph of the *Monumentum Ancyranum* he refers to the fact that during his consulships,

three times by the consent of the senate and the Roman people I was voted the sole charge of the laws and the morals with the fullest power, but I accepted the proffer of no office which was contrary to the customs of the country. The measures, of which the senate at that time wished me to take charge, I accomplished by virtue of my possession of tribunitian power.[1]

In the seventh paragraph he says: "Up to that day on which I write these words (he was then in his seventy-sixth year), I have been princeps of the senate through forty years."[2]

[1] Whether or not he was given censorial powers is open to question. Though he does not refer to such powers in his review of his reign there is some historical authority that he received and exercised them.

[2] Before the time of Augustus the title of princeps senatus had been conferred on the senior Senator who had served as censor. Its only privilege was the right of speaking first in debate and being called on first to vote, and the honor had fallen into abeyance with the death of Catulus in 60 B.C. Gradually the title took on the significance of the modern "prince," "emperor" or "president."

Though in the becoming modesty of these statements there is an historical inaccuracy in that all the truth is not told, it by no means justifies the bitter charges of hypocrisy directed against it by Mommsen and other prejudiced historians. Mommsen is so fascinated by the Imperialism of Julius Cæsar that he can see nothing but hypocrisy and weakness in the character of Augustus. But when we consider that the effort of Julius Cæsar to establish a monarchy failed and resulted in his death and that the efforts of Augustus to establish a form of government adapted to the needs of the Empire succeeded and brought peace and prosperity to the western world, we need use no further space in answering these charges of incapacity and insincerity against Augustus.

In 23 B.C. there were further constitutional changes which increased his executive authority. He had suffered from a grievous illness in 23 B.C. and for some time was not expected to live. To the great joy of the Roman world he recovered; but he had found the ceremonial duties of his position as consul trying, so he declined re-election. He was then given consular as well as proconsular powers, and these were made superior to that of other magistrates. His tribunitian authority was increased over that which he had received in 36 B.C. and henceforth he counted the years of his administration by the years of his tribunitian power.

In short, to Augustus as President of the Senate,

were given the powers of a consul, proconsul and tribune, without the need of holding the offices. In this form, with only such variations as were incident to the administrations of weak and strong emperors (for such we can call them in anticipation and for convenience of designation), the principate continued practically unchanged for three hundred years. In theory and often as a matter of fact, the selection of the emperor was made by the senate which also conferred the powers which were the basis of imperial authority. During the reign of Augustus the acts of the senate were duly approved by the comitia, which Augustus zealously tried to maintain and make an effective part of his new government. He even went to the extent of securing the enactment of a law enabling the citizens living throughout Italy to vote at their homes and have their ballots counted on the meeting of the comitia at Rome.[1] But so thoroughly contented were the people with the new order of affairs, so pleased were they with the era of peace and prosperity that they became indifferent to their duties of national citizenship, apparently finding a sufficient gratification of their desire to participate in government, in their respective municipalities.[2]

[1] In the reign of Tiberius the comitia were abolished without substantial dissatisfaction and the right to pass laws and to select public officials remained with the senate until the later emperors supplanted it by imperial decrees.

[2] Municipal government with them, as with us until recent years, followed the form of the national government, and yearly

A point of importance as stated by Augustus is that all of the measures conferring upon him the different powers and authority were in accord with Republican traditions and precedents. Thus the sensibilities of no republican were offended and no cause given for complaint. The disposition of the provinces was also an important feature in the new arrangement. The senate requested Augustus to accept under his proconsular Imperium the governments of Syria, Gaul and Spain, where all but one of the twenty-five legions were located; and Egypt still continued under his personal control. Spain and Gaul were not yet thoroughly organized and the governorship of Syria included the heavy responsibility of beating back possible invasion of the Parthians and the great national mission of avenging the capture of Crassus, the liberating of the soldiers still held in captivity, and the recovery of the standards.

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two consuls under the name of Duumvirs were selected as executives, and the members of the local senate under the name of the curia were chosen by the people, as were other minor officials; and each municipality was likely to have a *Patronus* in the person of some rich and able man whose position in local affairs corresponded in a general way to that of Augustus at Rome. And that these local offices, though they carried no salaries and often imposed heavy financial burdens, were eagerly canvassed for during this period, is shown by the inscriptions on the walls of Pompeii and Herculaneum. The right of the people to choose their municipal officers continued long after the Comitia had been abolished at Rome and the development of municipal government constituted one of the strengthening and sustaining influences of the Empire.

Augustus continued each year up to 23 B.C. and occasionally thereafter to be elected consul and to hold the power of the other offices that had been given to him.[1] His proconsular Imperium made him, in fact, the commander-in-chief of the army and navy; his tribunitian authority gave him the right to recommend legislation to the senate and also the veto power; and his position as Princeps Senatus gave him leadership in that august body, the right to lead in discussion and to vote first. In addition to the personal protection incident to his tribunitian authority, he had nine cohorts, 9,000 men, stationed at the gates of Rome, who constituted a substantial protection against treason or public disorder. His position combined, as it were, the principal powers of the President of the United States and the King and Prime Minister of Great Britain.[2]

[1] Two consuls continued to be elected each year down to 540 A.D. when under the reign of Justinian this ancient office that had existed for over 1000 years was abolished. After the division of the Empire one consul was elected at Constantinople and the other at Rome. After Diocletian their duties were largely ceremonial, though they also gave their names to the official year.

[2] The powers and duties of the principate were thus stated by Tiberius: "A good and useful prince should be the servant of the senate, and the people generally. My station is not that of an ædile, a prætor, or a consul; let these magistrates confine themselves to the exercise of their special function, and labor for the common weal each in his own province; wider and loftier are the duties which devolve upon the princeps; he must lead the way in proposing measures for the general good of the state, for the correction of manners, and the cure of political diseases." (Tacitus, Book iii, Chapters 42 and 53.)

The recital that I have given of the various offices and authorities enjoyed by Augustus will, I fear, fail to convey a very definite understanding of his position and power and the immense influence he exerted in the reorganization of the Roman world. To properly understand the situation special consideration must be given to the extended period of time during which he ruled and the complete satisfaction of the people with his reign. A comparison between the power Augustus enjoyed and that which some of the great national leaders of modern times might have exercised will perhaps give a more concrete idea of the nature and duration of his rule. Comparisons between governments under written and unwritten constitutions and comparisons between ancient and modern governments are necessarily inexact; and the modern world has known no such device as that of conferring upon one the power of an office without requiring him to hold the office.

Augustus became the commander of a Roman army at the age of nineteen, consul and triumvir at the age of twenty, the actual master of the Roman world at thirty-two and when thirty-five he became its legal ruler and continued through the insistent demands of the people in the enjoyment of his great and undiminished power for forty-one years.

William Pitt, known in history as the Younger Pitt, became a member of the British Parliament in 1780 at the age of twenty-one, chancellor of the

exchequer at twenty-three and premier at the age of twenty-four, in which position he continued, with an interruption of three years, until 1806 when he died at the age of forty-seven. Had Pitt continued as Premier through the general demand of the English people down to 1838, the first year of the reign of Queen Victoria, his public career would have been comparable in its duration and authority to that of Augustus.

Napoleon Bonaparte, by the "whiff of grape shot" that he gave to the Paris mob in 1795, became commander of a French army at the age of twenty-six, first consul in 1799 at the age of thirty, Emperor in 1804 at the age of thirty-five and ten years later, defeated by his enemies, he was forced to abdicate and retire to Elba. Waterloo and the final overthrow after a rule of one hundred days occurred in 1815. Had Napoeon consolidated his power in 1804, organized western Europe for peace instead of war and continued, with the consent and approval of the people, as Emperor down to 1853, the first year of the reign of his nephew, Napoleon III, he would have enjoyed a period of dominion and authority comparable to that of Augustus.

It is difficult to imagine any situation in this country that would present much of resemblance or analogy to the long reign and absolute power enjoyed by Augustus. Our form of government is too rigid and our democracy too common-place for the development of dominating personalities

and the enjoyment of great careers.[1] But if in the first year of the Civil War the Confederate forces had occupied Washington, captured President Lincoln, his cabinet and most of the members of Congress and then by common consent of the people and the approval of what official authority there was, General Ulysses S. Grant had assumed dictatorial authority, and had he brought the war to a successful conclusion and wisely directed the reconstruction of the Union, his election as President in 1864 would naturally have followed. And if he had regularly every four years with practically the unanimous approval of the people, been re-elected down to and including 1916, the second election of Woodrow Wilson, and had died in 1919 beloved and regretted by one hundred millions of people, his public career would have been comparable to that of Augustus.

And yet if we could stimulate our imaginations to the point of picturing such an extended period of authority for all these men they would each

[1] During the last half century the only man who so dominated public thought and action that he has given to us an "era" characterized by his personality and genius was Theodore Roosevelt. But so fixed and limited, both by law and custom, are the periods of authority that we are willing to grant to any man, that he was denied such a career as would have been open to him in Great Britain or France. Apprehension as to the dangers of a "third term" did much to prevent him from enjoying a second election to the Presidency. But the denial of public office did not prevent him from becoming during the world war the most inspiring and helpful influence in causing our nation to do its part to free the world from the dangers of German Imperialism.

have lacked in many important particulars some of the remarkable incidents of Augustus' power and dominion.[1] His person was sacrosanct, he could make peace or declare war, he exercised judicial in addition to executive and legislative authority, and he was for over twenty-five years the official head of the state religion. His great personal wealth and the example he set by munificent public expenditures enabled him to accomplish the beautification of Rome and the great cities of the Empire with gifts of art and architecture that the future was to imitate but never equal. And if we exclude from consideration the Indian Empire, he ruled more people living in a wider extent of territory than were subject to the government of Great Britain, France or the United States during the periods to which I have referred.

While Augustus' constitutional authority was adequate and effective, his extra constitutional powers were even more so. The universal regard and reverence in which he was held made his posi-

[1] The *Lex de Imperio*, declaring the power and authority of the Emperor Vespasian, was engraven on a large bronze tablet which is now in the Capitoline Museum at Rome. From this record and the historians of the first and second centuries we know of the powers of Augustus and succeeding Emperors, for the authority conferred upon Vespasian is usually stated in terms referring to the similar authority conferred on Augustus. An able and exhaustive discussion of the questions arising from the construction of this law, by Fred B. R. Hellems, Dean of the College of Liberal Arts of the University of Colorado, and formerly professor of Roman History, can be found in the *Journal of Philology*, vol. xxviii, No. 55, page 122 (1901).

tion and authority beyond question, and his control of a large portion of the public finances enabled him to maintain it without difficulty or embarrassment. In addition to his inheritance from Julius Cæsar, now greatly increased in value, many inheritances came to him from other sources. The great wealth of Egypt was retained and administered by him, and the mines of Spain soon began to pour a stream of wealth into his official purse. That the manner in which he used his great wealth as well as his great power won for him the regard of the plain people, if we may use a modern expression as descriptive of Roman citizens, is shown by two incidents that occurred following the constitutional changes made in 23 B.C.

These incidents also show, to my mind, the sincerity of Augustus. When he thought he was dying he gave to Piso, the other consul, a statement of the affairs of the Empire and to his old and trusted friend, Agrippa, he gave his signet ring, with which Mæcenas had governed Rome during his absence in the days of the Triumvirate. The story became general, however, that he had selected by his will his nephew, Marcellus, as his successor. On recovery, to still these rumors, he asserted that the right to choose his successor belonged to the senate and the people and that he would read his will to the senate to show that he had not attempted to foreclose their choice. The senate accepted his statement as true and forbade the reading of the will.

Augustus as Senator

This is a strikingly impressive statue of Augustus and doubtless photographic in its likeness. Though it is less frequently reproduced than the one of him as a general which is known as the Prima Porta statue, it presents him in the more congenial rôle of a legislator and administrator.

From the Uffizi Museum, Florence

Following his refusal to accept re-election as consul in 23 B.C. the Tiber overflowed its banks, doing great damage in the city and there was also an interruption in the grain supply so necessary to the comfort of the people. Attributing these misfortunes to the displeasure of the gods because Augustus was no longer consul, the people surrounded the Capitol and so vigorously threatened to make short work of both the senate and the senate chamber if Augustus was not made dictator, that the necessary resolution was promptly passed. Augustus appeared before the people and in an impassioned speech positively refused to accept an office distasteful to him and the Romans. He promised, however, to take over the duties of the commission charged with the management of the wheat supply and under his efficient administration the shortage was relieved and the people satisfied.

Modern critics have characterized the Republic of Augustus as a compromise and asserted that it left much to be desired. All governments other than absolute monarchies are compromises, and any system must be considered on the basis of its adaptability to the needs of the times. Considered from this standpoint the new constitution was clearly the best that could have been devised. A monarchy was as repugnant to Augustus as it was to the people and a representative democracy with a national assembly composed of senators from the various provinces was impracticable. In its inefficient executive authority the old constitution

was fatally defective for the government of a great empire. Consequently the best, one might almost say the only plan that promised success and met the demands of the situation was to create an effective executive authority which would be a symbol of imperial power and to strengthen and inspire the senate of a city state to assume and perform the duties of government for a great empire. Thus was successfully met the fundamental difficulty which Abraham Lincoln said existed in all popular governments, of creating a government strong enough to maintain effectively its own existence and yet not so strong as to endanger the liberties of its citizens. There were inherent weaknesses in the system in the succession to the principate and in the tendency of the executive to grow strong and the senate to grow weak. But on the whole it served its purpose well, and instead of emphasizing its defects we should give deserved praise to its strength and its usefulness to the people it served.

The way in which Augustus used the powers conferred upon him effectively refutes the claim of some historians that he was endeavoring to destroy the Republic and establish a monarchy. The importance of the Roman senate as the dominating and directing influence in the Roman world has already been referred to. When Julius Cæsar became dictator and was looking forward to becoming King, he apparently tried to decrease the senate's power and influence by increasing its

membership and lowering its standards. Plain soldiers, Gauls and other provincials were made senators by his appointment, and Antony, during the troubled times after Cæsar's death followed Cæsar's example by making many of his disreputable friends senators, claiming authority for such appointments from Cæsar's will. These appointments produced the joke of the day in the designation of these appointees as "Post-mortem Senators."

Augustus, exercising censorial authority as consul, purged the membership of the senate by an ingenious but effective plan, by which the unworthy were forced to resign or were dropped from the roll. The membership, which under Julius Cæsar and Antony had been increased to nearly one thousand, was by Augustus reduced to about six hundred.[1] He had a law passed reviving the *Lex Claudia*, prohibiting senators from engaging in trade, so that they would be free to devote themselves solely to public affairs and have no temptation to legislate for their own interests. They were prohibited from going abroad without the permission of Augustus and, under penalty of a fine, were required to attend the regular meetings twice a month. The number of old patrician families had been sadly reduced by the civil wars and

[1] On two other occasions Augustus further eliminated undesirable members of the Senate. So great was the feeling aroused on one of the occasions that he attended the meeting of the senate with a coat of mail under his toga and surrounded by a bodyguard of burly senators.

proscriptions till they numbered only fifty. Augustus ennobled worthy plebeian families and gave, when necessary, to deserving men, the money to qualify them for election to that august body.[1] Had he been trying to build a monarchy instead of developing and strengthening the Republic, he certainly would not have tried to increase the prestige and the power of the aristocracy and the senate; nor would he have maintained the Comitia as he did, nor have tried to make it easier for the Italian citizen to take part in the work of government by voting at his home for candidates and laws.

Those who see in the senate under the new constitution a subservient and unimportant part of government misread history. While not representative as is our national Congress, it was representative in the sense that the House of Lords in Great Britain is representative, and it continued as an effective agency for the expression of public opinion for over three hundred years. Even in the latter days of the Empire at times it asserted itself as the dominant power in the government. It chose Galba, Nerva, Pertinax, Tacitus and Probus as emperors without interference or influence from the Prætorian Guard; it condemned Nero and Julianus to death, and it removed Maximin from office. After the removal of Maximin, the senate ruled the Empire for several months with-

[1] During this period the ownership of property valued at about $50,000 was a requirement for admission to the senate.

out an Emperor, as it did for eight months following the death of Aurelian.

Prior to Augustus, Rome can hardly be said to have had a civil service. The government necessary for a city state had to expand so rapidly, first for Italy and then for the Mediterranean Basin and Western Europe, that the machine itself was inadequate and poorly adapted for the larger work. In carrying out his new executive duties, Augustus established and developed the necessary boards and bureaus which grew in time to be the government itself. There were four great Imperial prefectures, the appointments to which were made by the Princeps alone. The prefect of the city was usually a man of consular rank, whose duty it was to maintain public order and act as commissioner of police. He had charge of the three cohorts designated for police duty and he also exercised judicial authority and the power to regulate the theaters and the collegia. In the absence of the princeps he was responsible for the peace and order of the capital.

The second prefect was commander of the Prætorian Guard, and while during the reign of Augustus and Tiberius this office does not assume particular importance, later it became one of the most important offices in the Empire, when the Prætorian Guard, which was, of course, largely directed by the commander, made and unmade emperors. The third prefect, under the name of *Prefectus Annonæ*, looked after the grain supply,

the maintainance of reasonable market prices, and saw to it that the poorer citizens received regularly their allotment of wheat. The fourth prefect, known as the *Prefectus Vigilum*, corresponds in a general way to the chief of police of one of our modern cities. He also had control of the fire department.

In addition to these four offices there was created the position of curator or commissioner of the public roads of Italy; a board of public work which had charge of the construction of public buildings and such public works as docks and sewers; a board charged with the responsibility of keeping the Tiber within its banks; and a board whose special duty it was to look after the water supply of the city. These officials and boards appointed by the princeps unquestionably gave a more efficient administration than had been enjoyed under the elective officers, to whom such work had theretofore been assigned. For administration purposes, Augustus divided Rome into fourteen wards which with slight modifications still continue in the modern city.

No reform in administration was more important than that of the government of the provinces. In the many counts of the indictment that can be laid against the Republic, none is more serious than the way the provinces were plundered and misruled. Isolated cases of misconduct on the part of provincial governors occurred under the early Empire, but they now became the exception

instead of the rule. For the imperial provinces, Augustus appointed both proconsuls and knights as governors, and when they went forth to their provinces they went as civil and not as military officers.[1] And those who were appointed to govern the senatorial provinces were required to adapt themselves to the new standards thus established. It is doubtful just when they were placed on a salary. But the liberal allowances for expenses known as "Tent and mule money" gave them adequate compensation. In connection with the religious colleges that grew up in the provinces for the worship of Rome and Augustus, of which more will be said later, it gradually became the practice for members to make recommendations to the Provincial Governors as to civil affairs. In such organizations do we find something similar to the territorial legislatures or provincial councils of administration of modern times.

Something should be said as to the changed relations with other countries, under the Republic of Augustus. Rome's record under the old Republic in international relations is one of the most discreditable that she made. The Punic faith that Rome tried to make a by-word descriptive of national perfidy, was descriptive of her own conduct.

[1] The imperial provinces were governed by *legati* with the title of proprætors. Save in the case of Egypt, the governor did not necessarily belong to the order of knights. The imperial *legati* possessed both civil and military authority but in senatorial provinces the proconsuls were deprived by Augustus of the right to command troops.

A treaty was regarded as binding only so long as it was to her interest to respect it and agreements made by her representatives were to be observed only if it seemed good policy to do so. The standard of personal honor and integrity incident to private life and enforced by civil law had not been adopted in public affairs. This was now changed. While Augustus did not discredit the past by serving notice that henceforth Rome's word could be believed, the peace within and without the Empire, together with his well-known reputation for justice and clemency carried conviction to other nations that henceforth a different standard of national honor was to govern Roman policy. Treaties and arbitration became a substitute for war. Rome became the moderator, the umpire to decide dynastic disputes and controversies between different nations. There was also established at Rome a training school for the work of government. Princes of reigning houses were sent to Rome not only as evidence of the pacific intentions of their countries to Rome, but also that they might be trained to rule wisely and well. Under the direction of Augustus and other competent instructors, young barbarian princes and representatives of the old monarchies of the East were taught the science of statecraft and government.[1]

[1] As a part of the present day plans for world peace and the organization of a society of nations, schools for instruction in international law and world government have been proposed, such as Augustus conducted 2000 years ago.

The impressive language of Augustus' review of his public career states with pride and satisfaction Rome's relation with the world. In paragraph 26 he refers to the fact that "The Cimbri and Charydes, Semnones, and other German peoples, by means of legates, sought my friendship and that of the Roman people." In paragraph 37 he says:

Of greater Armenia when its king, Artaxerxes, was killed, I could have made a province, but I preferred, after the example of our fathers, to deliver that kingdom to Tigranes, the son of King Artaxerxes and grandson of King Tigranes.

And then after a revolution which he subdued, he states: "I sent into that kingdom Tigranes, who was sprung from the royal house of the Armenians."

In section 31, with a real thrill of pride and satisfaction he records:

Embassies have been sent to me from the kings of India, a thing never before seen in the case of any ruler of the Romans. Our friendship has been sought by means of embassadors, by the Bastarnæ and the Scythians and by the king of the Sarmatæ, who are on either side of the Tanais, and by the kings of the Albani, the Hiberi and the Medes.[1]

[1] The Bastarnæ, who dwelt on the northern slopes of the Carpathians, are called Germans by Strabo and Tacitus, Gauls by Polybius, Livy and Plutarch, and Scythians by Dion Cassius. "Scythians" is a general name indiscriminately applied by Latin writers to German and Slavonic tribes north of the Euxine. The Sarmatæ were a Slavonic people who, in the time of Augustus, lived on the shores of the Euxine between the Dnieper and the

In paragraph 31 he states:

To me have betaken themselves as suppliants the kings of the Parthians, of the Medes, of the Adiabeni, of the Britons, of the Sicambri and of the Marcomannian Suevi.[1] Phraates, king of the Parthians, sent all of his children and grandchildren into Italy to me, not because he had been conquered in war, but rather seeking our friendship by means of his children as pledges. Since I have been princeps very many other races have made proof of the good faith of the Roman people who never before had any interchange of embassies and friendship with the Roman people.

And in paragraph 33 he refers to the fact that the Parthians and the Medes have submitted to and accepted his decisions upon dynastic controversies.

The blessings of the Roman peace were thus extended to neighboring nations. Thus was formed, not by formal covenant or agreement, but by practice based upon confidence, a League of Nations, in which Augustus was the presiding

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Don rivers. The Albani, said to be the progenitors of the European Albani, were Asiatic barbarians who inhabited a large territory between the Caspian Sea and Iberia. The Iberi, or Hiberi, were the ancient inhabitants of Spain, who, forced to divide the country with the invading Celts, finally became merged with their enemies under the name of Celtiberi.

[1] The Adiabeni dwelt east of the Tigris and west of Media. The Germanic tribe of the Sicambri inflicted a crushing defeat on Lollius in 15 B.C. After having been subdued by Tiberius and Drusus, they were removed to Gaul in 7 B.C. The Marcomanni, or Marchmen, were the members of a confederation of tribes living on the marshes of southern Germany.

officer and the final authority. Through the operation of this association of nations, not only were Rome's peaceful relations with other nations maintained, but Romans were also given the blessing of domestic tranquillity. This situation emphasizes the necessary conditions for the maintenance of world peace. Disarmament alone will not secure it. For when international differences and controversies arise, as human experience has shown they will arise, nations will declare war if settlement of such controversies is not provided for by a tribunal in the justice of whose decisions the world has confidence. Augustus constituted such a tribunal two thousand years ago and the statesmanship of the twentieth century ought to be able to provide one today.

In no instance was the new policy of peace without aggression more effectively used than in the way in which Augustus, by a show of force and by diplomatic negotiations, righted the great national disgrace which Rome felt had been suffered in the capture of Crassus and his army. This duty had been definitely laid upon Augustus as a legacy from Julius and the literature of the day contains frequent expressions of the public desire for its speedy accomplishment. Augustus secured possession, somewhat by accident, of Tiridates, the heir apparent to the Parthian throne, and when the king requested the return of his son, Augustus made the restoration of the child conditional upon the return of the standards and the release of prisoners of

Crassus' army and the two armies of Antony that the Parthians had defeated. When there was delay in carrying out this agreement, Augustus threatened an invasion of Parthia with his army and this show of force was sufficient to secure the return of the standards and the release of the captives. Thus national pride was satisfied, the captured soldiers who so desired were returned to their homes, the standards recovered, and human lives were saved for useful labor.[1] Of this fortunate result, Augustus says:

I have compelled the Parthians to give up to me the spoils and standards of three Roman armies, and as suppliants, to seek the friendship of the Roman people. Those standards, moreover, I have deposited in the sanctuary which is in the temple of Mars, the Avenger.

But in the new scheme of world affairs, wars were not unknown. Though as Augustus proudly asserts, the doors of Janus were closed three times during his principate, more often than in the previous seven hundred years of Roman history, important work for Rome still had to be done by her legions. Though Augustus had relieved Rome from the danger of invasion by the Dalma-

[1] During the thirty years that had elapsed since the defeat of Crassus, many of the men who had been captured had married Parthian women, whom they did not care to give up by returning to Italy. It was difficult for the legionaries of Augustus to understand this attitude on the part of men who had once served Rome

tians and Pannonians, more fighting had to be carried on to establish the Danube as the northeastern boundary of the Empire.

With the settlement of the Parthian controversy, little more was needed to fix the boundaries on the east. The subjugation and pacification of the rebellious tribes of Spain proved a heavy labor, but it was successfully accomplished and paid splendidly in the products of the mines and other industries of the Iberian peninsula.

Gaul, which was now growing rapidly in prosperity required something more than the Rhine frontier for its security; and for the subjugation of the rebellious tribes and the consolidation of Roman power in German territory, Rome spent much money, wasted many lives and her leaders gave many years of labor. Tiberius and Drusus, Livia's able and popular second son, who died from an accident in German territory, fought many campaigns there, as did Drusus' brilliant son, to whom had been given the name, Germanicus. Probably no one fact of Roman history has been more misrepresented, particularly by German writers, than Rome's policy in reference to Germany. The massacre of the legions under Varus in 9 A.D. is emphasized as a great decisive battle that did much to determine the history of the world. In reality, it had no such importance.

For twenty years prior to this massacre, Germany between the Rhine and the Elbe had been under Roman control, and it was dissatisfaction

with Roman lawyers and traders as much as with Roman rule that prompted the ambuscade and attack in the Teutoburgienian Forest, directed by Arminius, who was a Roman citizen and knight. Tiberius hastened to the Rhine at the head of fifteen legions with which he had just suppressed a revolt in Pannonia, and when he crossed it as he did, the German forces were easily defeated. Roman power was re-established, and later Arminius fell as the result of the treachery of one of his own relatives. His wife and his son were captured and taken to Rome and his son grew up as a Roman citizen.

Though Augustus advised in his will that the Rhine and the Danube be the boundaries of the Empire, this did not prevent Roman armies marching and countermarching for years after the massacre of Varus' legions on German territory and Roman civilization and trade followed in their wake. The two provinces known as upper and lower Germany were organized, including much of what was then and is now known as German territory, and Aliso, located fifty miles to the east of the Rhine remained for many years an important Roman settlement and camp. The historical tradition that the German tribes in patriotic enthusiasm and devotion rose and drove out the Romans after capturing, torturing, and massacring their army and that never again did Roman legions dare set foot on German soil, is another historical fiction. That Rome did not consolidate

and dominate Germany more fully than she did, was not because she was not equal to it, but because she came to the conclusion that it would not and did not pay. The gloomy forests and marshes of northern Germany with the cold, rainy climate found there, offered nothing of attraction or profit to those accustomed to the sunny skies and pleasant lands of Italy, Gaul and the highly civilized East.

Nor can we agree with those who see in Rome's failure to make the Elbe instead of the Rhine the northeastern boundary, the fatal weakness that opened the Empire later to the inroads of the Barbarians. Aside from the fact that they could have passed the Elbe as easily as they passed the Rhine, it was across the Danube and through the Balkans that there came the invasions of the Goths and the Huns. That was really the weak point in the line. But if the Roman campaigns in Germany did not make it a province like Gaul, they served useful purposes for they exercised the legions, gave opportunities for careers to Roman nobles and generals and made it possible for Gaul to develop her industries and civilization until she became the Egypt of the West and the real strength behind the imperial authority in Rome.

These operations also gave to Rome a sense of empire and authority that is reflected in the stately language of Augustus:

I have extended the boundaries of all the provinces of the Roman people which were bounded by

nations not yet subjected to our sway. I have reduced to a state of peace the Gallic and Spanish provinces, and Germany, the lands enclosed by the ocean from Gades to the mouth of the Elbe. The Alps, from the region nearest the Adriatic as far as the Tuscan Sea, I have brought into a state of peace, without waging an unjust war upon any people. My fleet has navigated the ocean from the mouth of the Rhine as far as the boundaries of the Cimbri, where, before that time, no Roman had ever penetrated by land or sea.[1]

Though it did not add wealth to Roman citizens, or territory to Roman rule, it must have aroused a deep feeling of national pride that Roman ships had sailed and Roman eyes had looked on this grey, cold northern sea that no Roman had ever seen before; and that Roman troops had protected Roman territory against the danger of invasion from those fierce northern tribes which had in earlier days struck such terror to Roman hearts.

After the beginning of the Roman Peace, Rome fought battles rather than wars. They were far different from those fierce and prolonged contests she had waged with Hannibal and Mithridates.

[1] When Tiberius invaded Germany in 5 A.D. he found on the shores of Jutland near the Skager-Rack, the remnants of the great tribe of the Cimbri, which had so terrorized Rome in the invasion finally checked by Marius in 101 B.C. This small tribe now sent hostages, messages of peace and an ancient and venerated lustral basin as evidence of their desire to be on friendly relations with the Roman people.

The suppression of a Pannonian revolt by Tiberius, the conquest of southern Britain by Agricola during the reign of Claudius, the capture of Jerusalem by Titus, and Trajan's wars along the Danube and the Euphrates were by no means unimportant or inconsequential military operations. But in the fighting on the frontiers no foreign power seriously challenged the security of the Empire and the few revolts of subject tribes and nations were so effectively suppressed that they did not materially affect domestic peace and tranquillity. Controversies over the succession to the principate following the death of Nero caused some fighting which threatened to develop into civil war but the strong hand of Vespasian soon restored order.

It was not until the reign of the philosopher statesman Marcus Aurelius that invasions by foreign tribes along the Euphrates and Danube presented a serious problem of national safety carrying with it the solemn warning that Rome's two centuries of peace were drawing to an end. And it was not until after the assassination of his unworthy son Commodus that the use of military power became a usual and expected method by which ambitious men won their right to rule. But in the time of Augustus these dangers were in the far distant future and peace within and without the Empire seemed to be established on a firm foundation.

It is indeed a splendid picture that we look upon as we contemplate this great Empire of 100,000,000

people freed from wars and rumors of wars, behind well chosen frontiers guarded by "disciplined valor and ancient renown," devoted to the productive arts of industry under the benign influence of a new government that sought to contribute to its happiness and welfare. Safe and secure and prosperous, it was thus to continue for two hundred years. As the bitter factional controversies under the Republic had brought upon the people the misfortune and calamities of foreign and civil wars, so now the new government that had been erected on its ruins brought peace with other nations and tranquillity and prosperity at home. And the man under whose leadership this great work was planned and inaugurated, lived for over forty years in the enjoyment of his most unusual prestige and power. He saw the citizenship of the Empire grow from four to five millions; he saw its wealth increase until it almost exceeded human comprehension and its power so respected that it was never challenged. Fortune so favored him that he realized the wish he expressed when a grateful people conferred upon him the title of Father of his country, and he declared with deep emotion:

My dearest wishes have been fulfilled, Fathers of the Senate, and what is there left for me to ask of the immortal gods except that I may retain this unanimous feeling of yours to the last days of my life.

The impact of world power and distinction did not disturb the balance of his judgment or his cool, clear estimate of his own position and ability. He never claimed to be different from his fellowmen, though he does seem to have felt that he was sent into the world for a definite mission and that he was well fitted to accomplish it. He could have appropriately used the language of the most powerful national ruler in the world today when he described his qualifications for the great office which he holds. "I claim no outstanding ability. I did not even want the presidency. But somehow I have believed with all my heart that by temperament and practice, maybe, I fitted into this particular situation in the world." Wells in his brilliant work, *The Outline of History*, says of Augustus,

He was neither God nor Romantic Hero, he was a man. He was a man of greater breadth and capacity than any other player in this last act of the Republican Drama in Rome. All things considered, he was the best thing that could have happened to Rome at that time.[1]

[1] In view of the failure of Wells to understand the value and importance of Rome's contributions to civilization, it is a pleasure to be able to quote from his work a passage relating to Roman history that is a correct conclusion. Wells sees in the Roman soldiers who killed Archimedes in the capture of Syracuse, the typical representatives of Roman civilization. He fails to see or, if he sees, to appreciate the value and importance of the Roman peace, Rome's idea of government, a *Res publica*, a public thing, the Latin language and its derivatives, Rome's work in civilizing Western Europe, and what is most inexcusable, he fails to appreciate the value and importance to the world of Rome's system of jurisprudence.

It is easy for modern historians, writing after an experience of two thousand years in the work of government to point out weaknesses and defects in the "Republic of Augustus," in comparison with modern systems. But certain facts admit of no controversy; it was a new form of government, and the best the world had known up to that time, or was to know afterward for eighteen hundred years; it was adapted to the needs of the times and the people whom it governed; it was so firm and secure in its organization and administration that the wild and mad excesses and abuses of authority by a Caligula, a Nero, or a Domitian, did not materially impair its conduct or its beneficial influences on the Empire as a whole; it survived for five hundred years with Rome as its capital and for nearly fifteen hundred years with Constantinople as its seat of government; and its influence finds expression in every existing system of government in western Europe and in North and South America today.

CHAPTER V

THE PROSPERITY AND HAPPINESS OF THE EMPIRE

WHAT was the effect of the Roman Peace and the new régime on the lives of the people? Did it bring to rich and poor, high and low, happiness and prosperity? This is a question to which historians have given conflicting answers. That it brought prosperity to the Empire as a whole, that the rich and powerful enjoyed material comforts and luxuries never equaled before nor surpassed since, is generally agreed. But how about the "hewers of wood and the drawers of water," the men who tilled the field, conducted the industry and the commerce of the world?

Ancient historians did not think it worth while to tell us much about the life of the artisans or the laboring classes of Rome. The Roman workman of the Republican period hardly appears on the page of history except as a soldier. But through the literature of this period, through inscriptions on monuments and through laws regulating human affairs, we learn something of their lives and feelings. These incidental communications tell us most of what we know of the otherwise inarticulate mass, of the one hundred millions of people who lived

under the rule of Rome; and we are warranted in drawing conclusions as to their conditions from the absence of record of their protests against injustice. That they had organizations effective for such protests is beyond doubt. Every trade and every occupation was organized into a collegium or guild, through which the members were brought into frequent and intimate association, and there is some evidence that they were used as a basis of collective bargaining.

The collegia possessed some of the characteristics of our fraternal organizations, some of the characteristics of a dining or social club, and as they were composed of those in the same trade or occupation, they had some of the features of a labor union. They had their officers corresponding to the officers of the Republic, and their standards and paraphernalia were conspicuous in public parades and ceremonies. These collegia go back to the days of the kings, Numa being the one under whom they were originally organized. While they were not labor unions, as we know such organizations today, correspondence between the younger Pliny and Trajan shows that they were the agencies by which effective agitation was conducted to get what they wanted industrially or politically. These associations, composed as they were of those interested in the same things, must have contributed greatly to the welfare and social enjoyment of their members; and through their frequent dinners, usually paid for by some honored

patron, feasting was by no means the special privilege of the rich.[1]

I feel that we can accept the evidence which tells us of the social life incident to membership in these collegia or guilds, together with the absence of evidence that there was social discontent, as justifying the conclusion that the people as a whole were both happy and prosperous. This view is supported by the economic conditions of the Empire, now greatly improved by the Roman Peace, which turned the industry and the energies of the people to the work of production. With the establishment of a stable and just government, men no longer hesitated to establish homes and to produce wealth by their labor and their industry, for they felt that they would be protected both in their persons and their property. While the reforms of government and law, of morals and religion may seem the more important in the retrospect of history, nothing seems more important to people on earth at any period of history than their material prosperity.

What was done besides the establishment of peace, just government, and equal and effective administration of the law, to add to the prosperity and happiness of the people? History records one fact in favor of Augustus that the world has accepted, that he found Rome a "city of brick

[1] One of the principal purposes of the collegia was to provide an appropriate burial for the members, to arrange for tributes to their memory and thus insure the peace of their souls.

and that he left it a city of marble." This one fact, and we might almost say this fact alone, is fixed in the public mind in his favor. But what he did in this regard is not to be considered as merely a work of adornment, for it was part of a comprehensive program of nation-wide improvement and reconstruction which included temples, monuments, forums, basilicas, baths, roads, aqueducts, canals, sewers, docks, ports and other public works and buildings. Every man who was willing to work found a ready demand for his labor and the vast sums captured in the foreign wars were thus put into circulation, while trade and commerce were provided with more effective agencies for their conduct than ever before.

Augustus mentions in his review of his public services the many temples, forums, basilicas, theaters and other public buildings that he built or restored. His purpose was to make the capital city worthy of its great Empire and an inspiration to its people.[1] Perhaps first in importance was the new forum which he built, the forum of Julius Cæsar having already proved too small to accommodate the crowds of citizens and the courts

[1] That he succeeded well in this effort is clearly shown by the literature of the period. The Romans were proud of their city. Under modern methods of transportation the approach to a city is usually disappointing and unattractive. But the great highways that led out from Rome in different directions gave the traveler an impressive view of the city that "sat upon her seven hills and from her throne of beauty ruled the world."

which held their sessions there. He completed in the Julian forum the temple to Venus Genetrix, commenced by Julius in fulfillment of a vow made during the battle of Pharsalus. In his own forum he erected a magnificent temple to Mars, the Avenger, in accordance with a vow that he made during the battle of Philippi, and in this building the senate henceforth held its meetings when the subject of debate was the prosecution of a war or the granting of a triumph. It was from this sacred spot that provincial governors now went forth to their provinces, and here conquering generals brought their trophies of victory.

He erected a temple to Jupiter, the Thunderer, on the Capitol to commemorate his narrow escape from being struck by lightning in Spain, and a temple to Apollo on the Palatine in memory of the "crowning mercy of Actium." This was one of the earliest of the marble temples of Rome and was filled with the choicest examples of Grecian art. Other temples and public buildings, including the second library in Rome[1] were erected by him in the name of other members of his family, such as the Portico and Basilica of Gaius and Lucius Cæsar,[2] his grandsons, the porticoes of Livia and

[1] The first was built by Pollio, Virgil's friend, a few years before.

[2] This basilica and the *Basilica Æmelia* reconstructed by Augustus after its destruction by fire in 14 B.C. were two of the most important and largest court houses in Rome. Pliny tells of his appearing as counsel in trials conducted in the Æmelia Basilica which he regarded one of the finest buildings in Rome.

of his sister Octavia, and the splendid theater in memory of Marcellus, son of Octavia, the ruins of which still bear witness to its beauty and magnificence.

The example that Augustus set in constructing these beautiful buildings was followed by other public officials,[1] and by succeeding emperors until by the end of the first century Rome presented a scene of splendor and magnificence such as the world had never seen before and will probably never see again. The Forum, as it then existed covered about twenty-five acres and this space was filled with thirteen temples, three basilicas, eight triumphal arches, the senate house, porticoes over a mile long supported by over twelve hundred columns of rare marble with capitals of gilt bronze, public libraries, the archives of the Empire, a thousand colossal statues in bronze and marble, masterpieces of Greek art, and galleries of pictures.

Official boards for the building and care of the various public works were established and doubtless kept fully occupied, but Augustus himself took over the construction and maintenance of the Flaminian Way, the great highway to the north, where with his clearsighted statesmanship he saw

[1] Marcius Philippus, his kinsman, erected a temple to Hercules. Lucius Cornificius erected a temple to Diana. Muniatius Plancus, who had proposed the title of Augustus, erected a temple to Saturn. Cornelius Balbus gave the city a theater which accommodated thirty thousand spectators. Agrippa did more than any other, with the exception of Augustus, in erecting public buildings.

the future wealth and strength of the Empire. Every general who enjoyed a triumph was required to take over the maintenance of some of the great roads, and so it became a matter of the greatest honor and distinction to maintain in effective condition these great highways of trade and travel. In this work of building and rebuilding, Augustus found an effective assistant in Agrippa,[1] who had so ably helped him in his wars on land and sea. But of all these splendid public buildings, the Pantheon[2] alone, constructed by Agrippa and restored by the Emperor Hadrian, still stands as a monument to the public spirit and munificence of the period.

The construction of roads was no more confined to Italy than that of public buildings and works was confined to Rome. In all the provinces and particularly in Gaul and Spain, splendid highways, some of which remain available for traffic today, opened up all parts of the country industrially and commercially, as the railroad opened up undeveloped territory in this country in the last century.

[1] Agrippa had at his own expense hired a large force of workmen to repair roads, cleanse the sewers, repair the aqueducts, and build extensive baths for the free use of the poorer class of the city. He entertained the people with more numerous and interesting public games than had been seen for some years, and at the first exhibition that he gave he had the barbers, who were very numerous in Rome, shave the poor free of charge. Ferrero, vol. iv., pp. 61, 62.

[2] The Pantheon was not as its name might seem to indicate a Temple to all the Gods, but to Mars and Venus, and the tutelary deities of the Julian family, Dion I., iii., 27.

Trade and commerce prospered as never before and in all the cities of the Empire, through official action or private munificence, temples, monuments, arches, baths and public works, replicas oftentimes of those in Rome, were built to gladden the eye and make more comfortable the lives of the people. Pompeii, a small town near the modern Naples that hardly gets into the pages of history, had all these public works and monumental buildings, temples and arches which made the cities of the Roman world so beautiful and magnificent.[1]

Nor were the commercial activities of the time inconsiderable even when measured by modern standards. A few statistics will show the magnitude and thoroughness of the means adopted to insure the food supply of the Imperial city. In Ostia, one of the ports of Rome, extensive and magnificent docks and quays were constructed to receive the shipments of grain and other cargoes from boats that could not navigate the shallow and swift flowing Tiber. Warehouses constructed during the reign of Trajan, beautifully ornamented with statues and sculpture, measured nearly three miles in length.[2] Of a territory two miles long by

[1] The Amphitheater at Pompeii which through excavations has been restored, occupied five acres. Here were held the gladiatorial exhibitions and other public shows and games for the entertainment of the public. And yet Pompeii was only a small suburban town of 20,000 population.

[2] In the sixteenth century, when the remains of the Augustan port were still visible, antiquarians sketched the plan, and

one mile wide given over to the handling of the commerce of this busy port, one-half of the space, 640 acres, was occupied by warehouses to hold the grain shipped in from foreign shores. And at Rome there were nearly 300 public warehouses and one section measuring 800,000 square yards was occupied by imperial warehouses for grain. It required in the time of Augustus 144,345,000 bushels of wheat annually to feed the people of Rome and of this amount one-third came from Egypt. Italy was not a wheat growing country, particularly after the small proprietors were driven out or killed off by the civil wars; and it was from Sicily, Sardinia, Africa and Egypt that the supply of grain was received. In time Gaul and Spain became wheat growing countries, but now their industries and agriculture were in the period of development.

The principal food of the Romans consisted of grain and vegetables. They ate but little meat and scarcely any beef. Bacon, smoke cured, was the principal meat consumed, though fish was also a general article of food and the fish ponds of the rich figure conspicuously in the literature of the period. So, contrary to modern ideas, the world was conquered and ruled by a race of vegetarians. Cheese from the milk of the cow and the goat, and olives with oil were substantial additions to the

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declared that all the monarchs of Europe would be unable to execute so great a work. (Borgier, *Hist. des Grands Chemins des Romains.*)

bill of fare. Wine was drunk in lieu of our coffee, tea and malt or spirituous liquors. The Romans were not a race of beef eaters or gluttons, nor were they a race of drunkards. They were moderate in their indulgences in food and drink, though they fully understood and practised the fine art of dining and of combining social enjoyment with their meals.

It has been charged by modern economists that the Romans did not understand political economy and that they did not apply its principles in their public affairs. If this charge is true it shows that the Romans had no advantage over modern nations in this regard. Whether theoretically correct or not, the policy was pursued of developing in each section of the Empire the products and industries best adapted thereto. They had no protective tariffs, though a small import and export duty of from 2½% to 5% was imposed in some of the provinces, and a tax was imposed on the imports from India and the Orient. There were also harbor duties in all ports of entry. In Egypt, the canals and irrigation ditches, which had been allowed to fill up through neglect of the Ptolemies, were cleaned out so that a rise in the Nile that would have meant famine under the Ptolemies, resulted in a satisfactory crop under Roman administration. Egypt thrived under Roman rule as never before and as never again until the English came in the last century to resume the work of Augustus.

Nor was this the only public undertaking that contributed to the prosperity of that ancient land. The great trade route to the east was established along the route of the Nile and by portage to the Red Sea. The Arabian Gulf was cleared of pirates as had been the Mediterranean, and yearly a fleet of from 120 to 150 merchantmen sailed to and from India and the Far East. This trade reached even to China, where Roman coins of the first and second century have been found.[1] From an economic standpoint there was a bad feature about this trade, for the balance was always against Rome.[2] This in time reduced the supply of precious metals and debased the currency, with a disorganizing influence on the industrial and financial conditions of the Empire. But in the early years of the Empire, Rome was so rich in precious metals, which she had captured in her foreign conquests and dug from the mines of Spain, Gaul and Macedonia, that the purchase of foreign goods by money did not appreciably affect the general prosperity.

Syria was a busy and prosperous province with its varied industries and factories, and Antioch, its chief city and the third in the Empire, rivaled Rome in its architectural beauties, its parks and temples, and as a resort of pleasure and luxury.[3]

[1] Chinese records also refer to the presence of Roman traders in that country.

[2] The annual value of this trade is reported as between five and six millions of dollars.

[3] Antioch was noted in ancient times for the moral laxity and licentiousness of its inhabitants as well as for its luxury. Marcus

The Syrians seem to have been the purveyors of the time to the vices and indulgences of the immoral and the vicious. Syrians furnished a large number of the courtesans of Rome and the foul influence of this effete civilization upon the morals of the capital was described by Juvenal when he said that the "Orontes had poured its foul flood into the pure waters of the Tiber."

Asia, located in what we now know as Asia Minor, was the richest and most prosperous of the provinces. And all the eastern provinces, freed from the burden of maintaining their expensive royal establishments and from the exactions of the proconsuls of the Republic, were now steadily increasing in wealth and prosperity and also in the amount of their revenues to Rome.[1] Africa, with Carthage refounded and growing again into a great mart of industry and commerce, was another province that was adding to the imperial revenues and the grain supply of Italy. One policy, inaugurated by Julius Cæsar, that Augustus felt it safe to continue was the re-establishment of both Carthage and Corinth, which the fear and jealousy of the Republic had destroyed. While the rebuilding of Carthage helped to bring prosperity again to Africa, Corinth grew slowly.

Aurelius ordered Cassius, the imperial governor of Syria, not to permit the legionaries to visit the Grove of Daphne which was widely known for the immorality of its devotees.

[1] Under the Republic, as Cicero states, none of the provinces except Asia paid the expenses of government.

Greece had exhausted herself by centuries of wars and she had neither the leadership nor the initiative to inaugurate the necessary reforms at home. Athens became a university city where students and philosophers retired for study and meditation, and Augustus, in his intelligent encouragement of learning and culture, set an example of contributing to its rehabilitation that secured some return of its former glories and attractions. He made Athens, where he had received part of his education, a free city, re-established the Amphictyonic league, prohibited Athens from selling the rights of citizenship and thus sought to revive the old national pride and traditions. But Greece, under Roman dominion, was but a mockery of departed glories. With no agricultural resources to compete with richer lands, and with no industries equal to those of Asia and Syria, Greece lived on her past and the accumulation of artistic beauties given to her by the genius of more favored days.

Spain and Gaul constituted the rich, the undeveloped and the growing provinces of the Empire, to which in troubled times in years to come the imperial government was to turn for help and from which she was to receive such valuable contributions of wealth and men. With the building of roads and the assurance of peace, the people of Gaul turned under official direction to the building of cities, the developing of their resources and their industries. Pottery was one of the principal prod-

ucts and the growing of flax to make the sails for the increasing commerce on the seas brought rich returns to those whose fathers had fought against Cæsar's legions.

Spain, which has had throughout the centuries periods of marked progression and retrogression, was now to enjoy a wonderful era of peace and prosperity. Augustus and Agrippa gave three years to its final pacification and fought many hard battles before the result was accomplished. But the formerly rebellious tribes now seemed satisfied to settle down to the arts of industry and peace and a bounteous stream of wealth amply repaid Rome for her labor and losses in its subjugation. The production of Spain's silver mines amounted to 767,695 pounds of silver and 10,918 pounds of gold in thirty-two years. In the time of Augustus, silver and gold were in the ratio of nine to one in value.

And what of Italy, upon which rested the responsibility of leadership and government of this Empire embracing such diverse interests and populations? To the work of its rehabilitation, Augustus turned with a keen sense of the need for prompt and effective action. In the fifteen years that elapsed between the time when he returned from Apollonia to take up his dangerous inheritance as Cæsar's heir and the time when he returned from Alexandria the master of the world, he had had abundant opportunity to see the devastation and destruction that war had wrought in

The Pantheon

The Pantheon still stands and is the only enclosed building in Rome dating back to the period of the early empire. The present building is a restoration during the reign of Hadrian, though it is generally believed that the form of the building as originally constructed by Agrippa has not been materially changed.

Italy. Even before the campaign that resulted in the defeat of Antony and Cleopatra he had begun the work of rehabilitation. He tells us in his review of his public service of the twenty-eight colonies of discharged soldiers he established and the money he paid for the land given to them.

For Italy, as for the Empire, Augustus was the advance agent of prosperity. He paid the sum of $43,000,000 to the owners for the land for these colonies, thus establishing for the first time, as he says, the principle, familiar in English law and our federal and state constitutions, that private property cannot be taken for public purposes without just compensation. And in addition to the money given to the people on the occasion of his three-fold triumph and the land given to the soldiers, he gave pensions and bounties, amounting to $24,225,000 to those who had fought for him on land and sea.[1] According to his statement in his *Epitaph*, his total contribution to the treasury, the people and discharged soldiers, amounted to about $120,000,000. The addition of so much wealth that had not come from taxation to the money of the people resulted in an increase of prices and a period of general prosperity.

How gladly the people must have contrasted the plenty, the contentment and security then enjoyed with those trying times not ten years in the past

[1] Considering the greater value of money then as compared with the present times, Augustus gave more liberal bounties than any modern nation has given to its soldiers.

when they were living on war rations on account of the capture of the grain fleets by Pompey's navy, and when Antony and Cleopatra were seriously threatening to remove the capital of the Empire to Alexandria and to rule Italy as a subject province! In the light of these contrasts, we can get some understanding of the happiness and contentment of the people and of their feeling of gratitude to the man who, if he had permitted it, they were ready to worship as the giver of all that was good.

The period witnessed a wonderful development of city life. In Italy there were 1,200 cities, while in Gaul the number was almost as large. As agriculture does not support numerous cities or large populations, these figures show the industrial and commercial activities of the time. Italy enjoyed a prosperity greater than ever before or since in her long and eventful history and real meaning was given to the expression, "*Hæc est Italia, Diis Sacra.*"

An important part of Augustus' plan for the improvement of economic conditions was the lending of money to farmers for the operation of their farms. This policy has received the compliment of imitation in the economic policy of modern nations. The Land Loan Board Act passed by our national congress in 1914 is along the same lines as the plan of relief for farmers adopted by Augustus nineteen hundred years ago. When the bankers and money lenders of Rome saw the cart loads of

money from the royal treasury of Egypt roll by in the triumph celebrating the victory at Alexandria, they reduced their interest rates from twelve to four per cent. The great additions to the money in circulation through the gifts to the soldiers and the citizens kept the interest rates low, and the farmers with good security were able to borrow money from the government at from four to six per cent.

In his effort to decrease the high cost of living by increasing production, Augustus called to his aid the writers of the day. Virgil and Horace and other writers sang of the beauties and the glories of the country life and the hardships and trials of life in the city. To a limited extent these writers were to this period what the newspapers and magazines are to ours, and it cannot be doubted that they were an effective influence in helping to repopulate the land and to increase the production of the fields.

In this pleasant picture, it is of course easy to find points to criticise. Slavery was unquestionably an economic and social evil then as it always has been in any nation that has tolerated it. But with the end of wars and the restoring of order, there no longer came to the slave markets of Rome and Delos those captured in war or kidnapped by pirates and slave traders. The result was that it ceased to be cheaper to buy slaves than to raise them, and self interest secured for them more humane and considerate treatment. No records exist of conflicts between slave and free labor,

though slaves were employed at times in public works, particularly in the provinces. But slaves were as a rule divided into two classes; those who worked as servants in the households, and those who worked as slaves on the farms and plantations.[1] This absence of conflict between free and servile labor shows that as a general rule the slaves in the cities were confined to household duties and that there was plenty of work for all the free men who desired it.

The elder Cato, who stands as a representative of the old Republic, might describe the slave as a "vocal tool," and lay down a slave code that would make a Simon Legree blush in humiliation. But the attitude of Cato toward the slaves and slavery was not the attitude of the Republic of Augustus. Gradually but continually laws were being enacted, practices and customs were being established to better the condition of the slaves, to protect them from the passion or injustice of their masters and to humanize their relations with each other and with those who were free. The average period during which one remained a slave was about

[1] The condition and treatment of the household slaves were unquestionably much better than that of the slaves on the large plantations whether operated by private owners, by the different communities or by the government. On these plantations the slaves were usually confined in slave pens, *Ergastula*, which were often underground structures and conditions of life therein were hard and often cruel. The same contrast existed in our southern states in the days of slavery between the household slaves and those worked on the large plantations.

six years and the system of providing for the support of the slaves made it possible for them to achieve their freedom. The number of freedmen who rose to positions of influence and power and who acquired great wealth proves that the door of opportunity and advancement was not closed against them.[1] The relations between Tiro and Cicero, so fully and feelingly told in Cicero's letters, must have been the relations between many a master and his slave, resembling that of friendship between employer and employee. And by the time of Trajan, slaves were given protection by law against the inhumanity or injustice of their masters.

All this is not to be taken as commending the institution of slavery or refusing to recognize its evils. But those evils reached their climax under the Republic and declined under the early Empire. Bad as it was, slavery then was less of an evil than African slavery in the United States of America in the lifetime of men now living.[2]

[1] Augustus put freedmen in charge of many bureaus of the Empire, and one, Licinus, he made procurator of Gaul. Pliny tells of a freedman of the time of Augustus who, at his death, left an estate which consisted in part of 4 100 slaves. Claudius was served in several important offices by freedmen; Narcissus was his secretary; Pallas, his steward; and to Felix, a brother of Pallas, he gave the command of a province and an army. Seneca, the instructor and advisor of Nero dined with some of his slaves and finally Diocletian, son of a freedman, proved servile birth no bar to the highest success when he became emperor.

[2] In Mark Twain's *Huckleberry Finn*, Tom Sawyer in excusing his delay in reaching his Aunt Sally's house in Louisiana, says

Another feature of the economic conditions at Rome that has been a rhetorical chopping block for historians is the giving of free grain to poor citizens. The epigram of Tacitus, that Augustus "bribed the Roman populace by gifts of bread and games," has been accepted as a comprehensive and accurate description of the situation. This policy has also been quite universally regarded as one of the influences that strongly contributed to Rome's decline and fall. It has been assumed by modern, and particularly Eighteenth Century historians that they knew far better what was good and bad for Romans to do than the men who established and developed the Roman Empire, from the Gracchi to the Antonines. From our standpoint, the giving of free food may seem a rather unscientific charity, as our present methods of handling similar problems may seem unwise and unscientific to the economists some years hence.

The custom of distributing free wheat was first begun by Caius Gracchus and at the accession of Augustus 320,000 citizens were receiving such assistance. By eliminating unworthy recipients from the list this number was reduced by Augustus, and he also secured the adoption of laws prohibiting

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that a "cylinder head blew out on the boat." Aunt Sally is concerned and anxiously inquiries if anybody was hurt. Tom assures her that nobody at all was hurt, the only damage done being that "a nigger was killed." This was the way slaves were regarded by a majority of the American people a little over a half a century ago. And it was a view that would probably have impressed even the virtuous Cato as rather extreme.

combinations which had succeeded in fixing and maintaining the price of wheat. If there were then 4,000,000 citizens of military age, this would mean that one out of every twenty received state aid. This does not mean that the state supported them for there is no record during this period of assistance other than the furnishing of wheat, and man cannot live by bread alone. Wheat was also sold at reduced prices to other citizens and the entire enterprise was handled in a way to secure reasonable prices for wheat which was then, as now, the staff of life.

While the effect of the system was to make unprofitable the growing of wheat in Italy, it is evident that this was due to the fact that on lands more favored for wheat culture it could be grown more cheaply. Suetonius tells us that Augustus considered discontinuing the practice of giving wheat to the poor, but decided not to do so, feeling that it was so firmly established that it would be impracticable to abolish it. As this is the only form of state aid for the indigent or incapable of which we have record during this period, except the substantial contributions made in times of calamities such as floods and fires and earthquakes, the total cost of the free grain would probably be less than the cost of the various charities for similar populations of the present day.

The public games have also stirred the emotions and received the condemnation of modern historians and philosophers. The gladiatorial combats

were an inheritance from the Republic, having been borrowed from the Etruscans who used them as a part of their funeral ceremonies. In commenting on the public games and entertainments, we may also remark that perhaps the people of that day were better qualified than modern reformers to decide what they wanted and needed. The number, frequency and mortality of gladiatorial combats have been much exaggerated. The impression that one could drop out to the Colosseum almost any afternoon to see a few hundred gladiators kill each other, as we would today go out to a baseball game or to the movies, is entirely erroneous. Many of the contests were unquestionably nothing more than modern fencing matches and perhaps no more bloody than the student duels in Germany. Many of the gladiators were free men, had their training quarters and their collegia, and they were such a good insurance risk that there was provided a system of pensioning those who had grown old in the service.[1] Men also had slaves trained to fight as gladiators, Atticus, the friend of Cicero, finding this one of his many profitable enterprises. Augustus secured the enactment of a law prohibiting the denial of clemency to the wounded and later a law was passed providing that slaves should not be compelled to fight. During the Empire the work of gladiators became something in

[1] Men captured in battles were also compelled to fight as gladiators and the contests between captives from different countries exhibited their different methods of fighting.

the nature of a trade or occupation, resembling that of prize fighters in England and the United States.

The expense of such shows was doubtless considerable, depending unquestionably on whether the contests were to the death. It is not probable that these men who ate and lived together, who through their collegia were charged with the duty of burying their comrades and keeping green their graves and memories, were going to kill each other needlessly or to take the chances of death without full compensation. Augustus records in the *Monumentum Ancyranum* that in the fifty-eight years he ruled at Rome, "Three times in my own name and five times in that of my sons and grandsons, I have given gladiatorial exhibitions; in these exhibitions about 10,000 men have fought." Eight exhibitions in fifty-eight years! And Augustus was the richest man in Rome and the ruler of the world. And Suetonius tells us that Augustus "surpassed all his predecessors in the frequency, variety and magnificence of his public shows."

Manifestly exhibitions on a small scale given by other men of means were fairly frequent, for otherwise the profession of the gladiator could hardly have been maintained. But it is recorded that Tiberius during the twenty-three years he ruled, gave these exhibitions so much less frequently than Augustus that an old gladiator lamented the good old days.[1] We, who from the standpoint of

[1] In the year 22 during the reign of Tiberius an edict was issued that combats of gladiators were to be arranged by those other

twentieth century standards would condemn these combats, will have to admit that the gladiators seem to have enjoyed them fully as much as the spectators. The justification for these exhibitions seems to have been more on the ground that they entertained than that they trained and inspired the people to the manly arts of war, though in the days of Marius, they were used to instruct the soldiers, and they must have continued to have some influence in this regard, for even the boys were accustomed to play at being gladiators.

The animal hunts impress one as being fully as brutalizing and objectionable as the gladiatorial combats, and Cicero records the general feeling of pity aroused by the humanlike cries of the elephants killed in the arena. Augustus was more generous to the populace in these than in the gladiatorial exhibitions. He says: "Twenty-six times in my own name, or in that of my sons and grandsons, I have given hunts of African wild beasts in the circus, in the forum, and the amphitheater and 3,500 beasts have been killed." This was an average of less than one hunt every two years and less than one hundred fifty beasts to each hunt. And again we must remember that the expense of such

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than the Emperor only with the consent of the senate and not oftener than twice a year by the same person. At the same time the number of the contesting pairs was limited to sixty. It is probable that the menace to public safety of large numbers of trained gladiators was the cause of this edict. (*Early Roman Empire*, p. 95, Otto Hirschfeld.)

exhibitions made them prohibitive to all but the wealthy and those who were seeking public favor.

This practice seems to be on the decline during the reign of Augustus from the days of the Republic, for Pompey, when he was seeking the votes of the people, gave a hunt in which five hundred African lions were killed. While we may condemn the killing of wild animals on a better ground than our Puritan ancestors objected to bear baiting, namely, that it gave pleasure to the spectators, we cannot withhold our admiration for the courage and skill of the men who captured such large numbers of dangerous animals and for the skill and courage of the men who, armed with spear or sword, met them when fierce from hunger, and killed them in the arena. Further, the capture and killing of such large numbers of predatory animals must have greatly contributed to the security of the people and the domestic animals in the sections where they were captured.

To the credit of Augustus in the matter of public games and entertainments, let us consider this record in the *Monumentum Ancyranum:*

> Twice in my own name and three times in that of my grandson, I have offered the people the spectacle of athletes gathered from all quarters. I have celebrated games four times in my own name and twenty-three times in the names of other magistrates. In behalf of the College of Quinquermes, I, as master of the college with my colleague, Agrippa, celebrated the secular games. When consul for the thirteenth time

I first celebrated the martial games, which since that time the consuls have given in successive years. I gave the people the spectacle of a naval battle beyond the Tiber, where now is the grove of the Cæsars. For this purpose an excavation was made eighteen hundred feet long and twelve hundred feet wide. In this contest thirty big ships, triremes or biremes, were engaged, besides more of a smaller size. About three thousand men fought in these vessels in addition to the rowers.

Augustus was a believer in athletic training and in national physical training,[1] for in his poor health he felt the absence of its beneficial results and he sought to encourage it whenever he could. In his seventy-sixth year, he went to Puteoli to attend an athletic exhibition, while sick with the illness from which he died. He encouraged the playing of the game of Troy by the noble youths until the senate objected on account of the frequent injuries to the participants. As the modern game of football impresses many people, so the game of Troy im-

[1] In addition to witnessing public games and athletic exhibitions the Romans played games and enjoyed hunting and other out-of-door sports. Five different games of ball are referred to in Roman literature but none are fully described. One was evidently quite similar to the modern game of handball, one was played with ball and racquet and one resembled somewhat our modern game of football. The others seem to have been largely games "of catch," in which opponents tried to prevent the ball falling to the ground. The public exhibitions included rope walking, boxing, wrestling, juggling, feats of conjurers, acrobats and clowns.

pressed the dignified senators as being too rough.[1]

The contests which aroused the greatest interest and enthusiasm were the chariot races. These were held in the Circus Maximus before crowds in excess of a quarter of a million people, though in the time of Augustus the seating capacity did not exceed 150,000. The Flavian Amphitheater, known as the Colosseum, the ruins of which stand as an impressive monument of Imperial Rome, could not seat over 87,000 spectators for the gladiatorial combats. Chariot races were to the Romans of the Empire what baseball and football are to us and the great racing meets to the people of England. These contests between four chariots with four horses each were free from hippodroming or commercialism and were dangerous enough to arouse the vast audiences to the highest pitch of enthusiasm. The great chariot racers of the day like Lacerna were greater heroes to the Roman world than Babe Ruth and Ty Cobb are to us, or Georges Carpentier to the French.

The interest in these contests was a continuing one and in the decadent days of the Empire the supporters of the blue and the green divided along political lines in public and municipal affairs and, in the intensity of their feelings, frequently engaged in physical combats.[2] In addition to these

[1] The game of Troy was in the nature of a fencing or jousting match played on horseback. It is described by Virgil in Æn. v., 552–602.

[2] White and green were the first colors used in the circus With the introduction of the four-chariot race, green and blue

contests and exhibitions, there were given, to the great delight of the people, grand spectacles such as sham naval battles. Whatever of criticism may be directed against the animal hunts and gladiatorial combats, does not apply in the case of the athletic contests, chariot races and public exhibitions, either from a social or an economic standpoint. They accomplished as useful a purpose in the life of the people as a proper amount of play and relaxation accomplishes in the life of an individual.

Much that is interesting might be said of the theatrical exhibitions and public festivals, but any extended discussion is beyond the scope of this work. The principal theaters in the reign of Augustus were the Theater of Pompey, seating 40,000, the Theater of Marcellus, which Augustus built in memory of his nephew, seating 20,000 and the theater of Balbus, capable of seating 30,000. There doubtless were many others of smaller capacity. The plays given in these theaters included tragedies and comedies, generally borrowed from the Greek, and pantomimes. The comedies and the pantomimes largely emphasized what we

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were added, the struggle of green and blue being supposed to represent the conflict of earth and sea. In the intensity of the feeling, even Emperors took sides and Caligula, Nero, Vitellius, Verus, Commodus, Caracalla and Elagabalus were enrolled in support of different colors. The supporters of the green and the blue finally became political parties and their contest culminated in the Nika sedition in the reign of Justinian, which threatened to overthrow the government.

would call "sex problems" developed along realistic lines. The latter were particularly meretricious and suggestive, though it is doubtful if they were any more objectionable in this regard than the movies of the present day with their almost inevitable scenes of attempted rape and seduction.[1]

Of holidays and public festivals there were each year about sixty-six in the time of Augustus, about the same in numbers as our Sundays and public holidays, but by the time of Marcus Aurelius, they had increased to one hundred thirty-six. Assuming that the entire populace then observed these holidays by discontinuing work, which manifestly they did not, there was a limited portion of the year left for useful labor.

One state policy which seems generally to have escaped the criticism of historians was the providing of public baths. Not only did every house or villa of men of means have elaborate baths, but there were extensive public baths in addition to the Lake of Agrippa, the Tiber and the Anio, in which the people could bathe. These baths were generally the gifts of rich men, public officials or of the emperors and they were maintained at public expense. Agrippa constructed and gave to the people one hundred and seventy-two baths, Titus built large and beautiful baths while the ruins of the baths of Caracalla, who had little except these and the conferring of suffrage on all the free men of

[1] Scenes of torture were frequently a feature of these pantomimes as they are today a feature of the movies.

the Empire to recommend him to posterity, show their magnitude and their magnificence. After the construction of the baths of Caracalla and those of Diocletian, it is estimated that at any moment 68,000 could be accommodated in the public baths and on this basis one-half million people could thus enjoy the pleasure of a bath every day. The Romans, particularly those of the higher classes, were as cleanly as high-class Englishmen. And when we reflect that the first bath-tub in this country was installed with considerable criticism and ridicule in Cincinnati in 1846 and that not until 1851 was one placed in the White House, we can see how recently it is that we can claim to be in the same class with the Romans in that national characteristic which is next to godliness.[1]

The question has doubtless come to the mind of the thoughtful reader, influenced by conditions that exist in the world today, were not the people and industry grievously burdened by the taxes necessary for these state activities and for public

[1] The effect of the public baths was unquestionably contributory to the good health of the people and they seem to have been free from any demoralizing influences, though the Emperor Hadrian thought it advisable to prohibit men and women bathing at the same time. Previous to this regulation and probably afterwards men and women bathed together without even so much as the limited costume of the modern bathing suit. The fact that men and women thus bathed together is hard to understand, in view of the care they exercised to have their persons fully clothed in all other relations in life. The togas worn by both men and women covered the body from the ankles to the neck.

aid to the indigent? The answer is emphatically in the negative. The nation whose citizens pay the lowest taxes in the world today, imposes a burden of taxes that would have brought revolution in Rome had any emperor from Augustus to Diocletian sought to exact them. The wonder is that the Roman government was able to do so much for the happiness and prosperity of the people and the greater wonder is that it was able to do it at such a small expense to the public treasury.

Of all the effective reforms accomplished by Augustus there is none that contributed more to the material well being and happiness of the people than his reforms of the finances of the Empire. The annual budget at this time probably did not exceed $100,000,000, and that amount was expended under wise and careful supervision. No direct or property tax was imposed upon Roman citizens for it was regarded as unbecoming a Roman gentleman to pay taxes, as for an English gentleman to engage in trade, or for a "Southern gentleman" in this country to perform physical labor.

Tributium, the name for taxes, implied the paying of tribute to a conqueror by a subject. There was a division of the public treasury, part being under the control of the senate and the emperor, and the other being under the control of the emperor alone. The official treasury was supported by a 5% duty on inheritances, a 2% duty on the sale of slaves, a general sales tax of 1% on merchandise,

custom and harbor duties, escheated and confiscated estates, public lands, tributes from senatorial provinces, state mines and mintage of precious metals. The public expenses met out of the public treasury included the maintenance of the army, police and fire departments, wheat and water supply for the people, and expenses of the state religion and official administration.

To the Emperor came the revenues from his provinces, especially Egypt, Gaul and Spain; legacies which amounted to $75,000,000 in twenty years during the reign of Augustus; private domains and family inheritances including that willed to him by Julius Cæsar; gifts from various cities and individuals on his accession to power; mines located in his provinces and mintage of their products. These funds constituted what was known as a fiscus and from them he paid the expenses of administering his provinces, the building of temples, public works and buildings, maintaining the fleets, giving bounties, loans and gifts to cities and individuals and games and shows for the entertainment of the people.

Under the Republic, the weakest link in the entire chain of official incompetency was the management of the finances. A young man starting in public life had his first experience as a quæstor in charge of the finances. Augustus changed this by entrusting this important department first to prefects and afterwards to the prætors, and in addition he continued to exercise in its

supervision that strong capacity for order and system that distinguished his administration of public affairs. He always knew on which side of the ledger the balance was, and at his death he left a statement showing the exact financial condition of the Empire.

The principal public expenses were for the maintenance of the army, bounties to the soldiers and free wheat to the poor. While these at times seemed burdensome, they were always satisfactorily met without unduly burdening industry or individuals. The old system of tax farming under the Republic with its many abuses was discontinued, and with a scientific system of assessment and valuation, the provinces knew definitely and usually met cheerfully the taxes imposed. The few instances of unfair exactions by representatives of the Imperial government emphasize the general fairness and honesty of the system.

The problem of taxation was much simplified by the absence of salaries for many of the Imperial and municipal officials, and the universal custom of men of wealth and position contributing to the public welfare. "For public munificence, this age is unequaled in history and the benefactions of the modern millionaires seem miserly in comparison."[1] Though there was no income nor excess profits taxes, the rich men of the early Empire contributed willingly to state and municipal enterprises amounts far in excess of what governments exact

[1] Stobart: *The Grandeur that was Rome.*

from the rich men of today. There was scarcely a city throughout the vast Empire that did not boast of a temple or some public work, the gift of the Emperor, and men of wealth vied with each other to adorn and improve their home cities. There was an immense civic ardour, a sense of stewardship and public obligation by reason of the possession of wealth that could with profit be accepted as an inspiration and example by the rich men of the twentieth century.

A few examples will fully support these assertions. The younger Pliny, who was not a rich man in comparison with others of his day, gave to his native town of Como a library costing $45,000 and maintained it with an annual endowment of $4,000. He gave $25,000 for the support of poor children, $20,000 for public baths, $80,000 to his freedmen for public festivals and offered to contribute one-third of the expense of an advanced school, if the parents of school children would contribute the other two-thirds. The public benefactions which Herodes Atticus, a professor of rhetoric, who, wonderful to relate, both made and married great wealth, gave to Athens and other municipalities, constitute a celebrated example of the generosity of the rich. While both these men belong to a later generation than that of Augustus, the policy to which they responded in their splendid public gifts was established during the period of reform and rehabilitation which he inaugurated.

There can be no question that during this period material civilization maintained a steady advancement. There were, of course, inequalities and injustices; and vice, selfishness and extravagance created problems which demanded and received earnest official attention. But, as an able English historian has written:

> In such matters as transit, public health, police, water supply, engineering, building, and so forth, Rome of the second century left off pretty much where the reign of Queen Victoria was to resume. . . . Education was more general and more accessible to the poor in A.D. 200 than in A.D. 1850. The siege artillery employed by Trajan was as effective, probably, as the cannon of Vauban.[1]

The evidence from the written page and the engraven marble that has come down to us through the centuries warrants the conclusion that this was a good time and a good place to have been on earth, both for the rich man and the poor. The absence of evidence of social discontent, the development of a class of contented artisans and small traders enjoying their associations and their industry, the opening of the door of opportunity and advancement to men of genius and ability, with the increasing sense of humanity which the peace and prosperity of the Empire encouraged, all these facts go to show that never before nor

[1] *The Grandeur that was Rome.* J. C. Stobart.

since have so many people lived under the same system of government, industry and society, who were so happy and so satisfied with their lot as the inhabitants of the Roman Empire during the first two centuries of its existence.

CHAPTER VI

MORAL REFORMS AND RELIGIOUS REVIVAL

WHEN Augustus rebuilt eighty-two temples that had fallen into decay during the period of the civil wars, when he and his friends constructed forums, basilicas, arches, baths and other public buildings, they, of course, had broader and higher purposes than to give work to laborers, to provide for the conduct of state business and to add to the material comforts of the people. There was unquestionably the purpose to make the citizen proud of his city, to enable him to see in its beauty and magnificence a capital worthy of the greatness of the Empire. There was also the purpose to bring to the people of Rome the consciousness of power and dominion and the obligation to use that power as Augustus and the great men of the day were using their money and authority. That high duties go with high authority, that stewardship and service are obligations imposed by power, are thoughts that now began to find an expression in the literature of the day.

The need of developing such a feeling of national duty was clearly manifest in the disorganization of society, the weakening of discipline, the feeling of

recklessness and protest against authority which were then and have always been the natural consequences of war. The institution of the home under the full control of the father of the family had been practically destroyed. Men and women married for selfish considerations of money, or of politics, and the smallest pretext was sufficient for divorce. The result was that marriage was regarded as a burden and a handicap and while the population of the Empire was increasing, the number of the nobles, the governing class, greatly reduced by wars and proscriptions, was steadily declining.

Luxury and ostentatious display made fashionable by such exponents as Sulla and Lucullus, had supplanted the simple domestic life of earlier days. Woman, in her new-found freedom, carried it to the usual extreme and Sempronia and Clodia, noted for their dissipations and adulteries, found many imitators. The use of the old woolen toga by the women was being supplanted by the filmy silken garments of the East, which seductively disclosed that which they were pretending to conceal. In the indulgence, selfishness and dissipation of such conditions, Augustus and his associates looked in vain for the leadership and high ideals necessary to the government of a great Empire; and Horace, lamenting the decline of the virtues of earlier days, said in his Odes, "Not such the sires of whom were sprung the youth that dyed the sea with Punic blood and struck down Pyrrhus and great Antiochus and Hannibal the dire."

That these conditions were not the product of the Empire, but of the last century of the Republic, is proved by the record of efforts at correction under republican rule. If this statement seems to conflict with the conclusions of most historians, it should be remembered that Rome's conquest of the Mediterranean Basin was completed before Julius Cæsar began his campaigns in Gaul. And it was these conquests that brought to Rome the influx of money and of oriental vices and luxury that broke down the social and moral standards that we associate with the Republican era.

The failure of efforts at correction and the growing need of the Empire resolved Augustus to undertake vigorously the work of reform. While he felt that the reform of government, peace and prosperity and the building of temples would do their part, he was practical enough to realize that more direct methods were required. It is the part of wise statesmanship to note the existence of social evils and abuses and to endeavor to correct them before they weaken the society they infest. Augustus turned to this problem with his usual energy and thoroughness in an effort to make the life of the people as pure and clean as he had made the government just and strong and the Empire happy and prosperous.

In 18 B.C. at the end of the first ten years of his principate, after the government had been settled for another five years by making Agrippa his equal and joint ruler through the possession of

the consular, pro-consular and tribunitian powers, he turned to the work of reform through legislation by the enactment of a series of social laws against the evils of the day. To give these laws greater force in the public mind, they were called the Julian laws. In their preparation, the procedure was very much the same as it would be today. The subject was made one of public discussion in the senate, in the forum and in the writings of historians and poets. Augustus read to the senate a speech of the great Republican leader, Metellus, as to the obligation of men and women to marry and raise children. The dangers of race suicide were as forcibly presented as they have been in our time. Then a commission of expert lawyers and senators was selected to study the question and submit a report.

The result of these labors was the enactment of laws prohibiting and punishing celibacy and the failure to raise children; rewarding those who did their duty to the census by bringing three children into the world; prohibiting and punishing adultery by the severest of penalties; prohibiting luxury and ostentation in the building of houses and the giving of banquets and regulating the expenses thereof. And then, women's dress, which has always been the subject of active interest and concern to the men, was fixed by legislation. These laws were passed with but little opposition, for they were supported enthusiastically by those of the aristocracy who realized the dangers of the

Temple of Jupiter Restored

This restoration of the temple of Jupiter Capitolinus shows how important an influence religion was in the life of the Roman people. The Theater of Marcellus, in the right of the picture, was built by Augustus in memory of his beloved nephew whom he doubtless intended to make his successor. Substantial remains of the Theater of Marcellus now stand but the Temple of Jupiter Capitolinus has been destroyed.

social evils and hoped to make their class worthy of its heavy responsibilities and great mission.

Here and there a voice of protest was raised, and Horace, viewing the situation from the standpoint of a bachelor, continued to protest against the effort to make men good by law when training, discipline and education were, as he asserted, the only means to virtue.[1] But such protests were of no avail against the public demand for reform. All male citizens under sixty years of age and all women under fifty were required to marry within a period of three years; senators were prohibited from marrying freedwomen, but on account of the greater number of men than women of the senatorial class, other citizens could legally contract such relations.[2] Bachelors were punished by being denied the right to receive bequests (the seeking of which was one of the profitable occupations of the day) and worst of all, they were prohibited from attending the public games, theaters and festivals. The severity of this punishment can be understood by contemplating what it would mean today if all bachelors were denied the right to

[1] Horace was an ardent supporter of Augustus in his efforts at reform but he had a different opinion from that of Augustus and the senate as to the effectiveness of sumptuary laws.

[2] The greater number of men, notwithstanding the great losses of life in the foreign and civil wars is doubtless to be explained by the practice of infanticide which was more often resorted to in case of girl than of boy babies. This practice, which constituted one of the abhorrent evils of the ancient world was not made illegal until 315 A.D.

attend the theaters, baseball games or go to the movies.

Augustus and his supporters reasoned that if men selfishly refused to help the state by marrying and raising children they should not enjoy the pleasures that the state provided for the entertainment of its citizens. Those who married and had no children were allowed to receive only one-half of a bequeathed legacy, while the father of three children enjoyed a remission of taxes, exemption from jury service, a "ring side seat" at the public games and theaters and priority in right in running for office and in official honors if successful.[1] Nor was the mother, who bore the children, neglected. She was given the right to wear the stola, and enjoyment of all legal rights. The law enforcing marriage and the raising of children aroused probably the most opposition and was most effectively evaded. Throughout his long reign Augustus from time to time found it necessary to propose amendments, but he persisted in its enforcement.

The law against adultery provided for punishment by banishment and confiscation of property, and authorized a husband, finding his wife in adultery in his home to kill her and her paramour. Perhaps it would be as well frankly to authorize such a killing as to do so by the indirect modern

[1] The letters of the younger Pliny show that in later times the privileges enjoyed by a father of three children were frequently granted to those who did not have them.

method of the "unwritten law." There were, of course, difficulties and evils incident to the enforcement of this law. But that Augustus, to his great shame and humiliation, had to punish his daughter, Julia, and his granddaughter Julia, by banishment to distant islands shows that there was no lack of effort to make the law an effective influence against the immorality of the day.

The law against luxury limited the cost of a banquet on ordinary days to ten dollars; for one on the calends, the ides, the nones and other festival days, to not more than fifteen dollars, but in the spirit of enthusiasm for marriage ceremonies, the limit for the expense of such banquets was raised to fifty dollars. These restrictions seem rather severe when measured by modern standards after making due allowance for the greater value of money then. While we have some records of the menus of banquets both in the period of the Empire and the Republic, which would severely test the appetite and capacity of the most capable and experienced banqueters, the Romans were not generally heavy drinkers or big eaters. While a Trimalchio or a Vedius Pollio[1] might attract attention by an elaborate and sensational feast, the

[1] Vedius Pollio also finds a place in history in connection with an interesting incident with Augustus. While the latter was attending a banquet given by Pollio a slave broke a valuable cup. Pollio, enraged, ordered the slave thrown into a fishpond to be devoured by the lampreys. When Augustus remonstrated in vain, he ordered his attendants to break all the cups of Pollio and to save the life of the slave.

ordinary Roman citizen as compared with the northern races or even with our own people was not intemperate in food or drink. The modern citizen of moderate means has upon his dinner table food brought from places more numerous and distant than did the rich Roman at his most elaborate banquets.

In addition to the effect of the enforcement of such regulations, they constituted a concrete expression of public opinion against the lavish display and indulgence of the new rich and those who sought notoriety by such means. Extravagance of this kind in the cost of houses or the giving of banquets not only violated the law but must have been regarded as socially objectionable. The rich Romans were more disposed to extravagance in the number than in the magnificence of their houses, more interested in their comfort than in their elegance.[1] Cicero had nine villas and four lodges and his town house cost him $150,000. But when we consider that Cicero enjoyed a large income from his law practice and received bequests amounting to over $2,000,000, his home cannot be regarded as an extravagant investment

[1] Some of the houses of this period, however, represented large investments. Pompey's house that Mark Antony appropriated and concerning which there was some friction between him and Julius Cæsar, was one of the finest in Rome. Messalla paid $165,000 for his house; the house of Claudius cost $655,000; that of Scaurus, including the elaborate gardens and grounds, $4,425,000. The possession of such valuable premises was destined to prove fatal to a descendant of Scaurus in the reign of Nero.

and, with the exception of his Tusculan villa, his other villas were apparently not elaborate or costly.

Boys were prohibited as a part of the new regulations from indulging in the license and dissipations of the Lupercalia; women were required to occupy the least desirable, because the most distant, seats at the gladiatorial shows and prohibited from attending the athletic contests. Why they should be conceded a long distance view of men trying to kill each other but denied the right to see a foot race or a wrestling match is difficult to understand.

As a part of the same effort at reform, the theater was made a subject of regulation. Indecent displays and what might be termed "local gags" and political allusions were prohibited. An actor named Stephanio was, as a public warning to others, beaten with rods in three theaters for bringing on the stage a Roman matron with her hair cut so as to make her look like a boy. This is one of the earliest examples of an official effort to prevent "bobbed hair." To speculate on how the Roman world of this period would have regarded one of our modern "girl shows" would place too heavy a strain on the imagination.

Considered as a whole, these social or Julian laws constitute the most detailed and comprehensive effort to control and regulate life, morals and the conduct of the people that history records. It has been the habit of a certain class of philosophers

and sociologists to discredit or at least minimize the efficacy of such sumptuary legislation. This habit still continues. That such laws do not accomplish all that their advocates claim for them, by no means proves that they do not accomplish much good. The fact that Rome fell five hundred years after the social laws of Augustus is taken as proof that his efforts at reform were failures. While these laws failed to restore the old puritan spirit and life of two hundred years before, there must have been a strengthening of morals and a raising of moral standards by their enactment and enforcement.

That the law against adultery did not make all men and women virtuous is entirely clear, but when the daughter and the granddaughter of the great Augustus himself were banished for this offense, who could hope to escape punishment? The laws to encourage marriage and to punish those who refused to assume its responsibilities and bear children, were evaded in many ways. But that many a man was brought, by its provisions, to realize his duty to the state and to society, and that many a home and family were thereby established, cannot be doubted. The laws against lavish and expensive banquets and houses and immodest dress were, of course, also evaded; but that they at least made it seem the right and proper course for decent people to be modest in their expenditures and decently clothed is as undeniable as it is that prohibition in our day has

made public drinking or intoxication a matter of discredit or disgrace.

Augustus was a sufficiently wise statesman to know that there must be a sentiment and public opinion behind legislation to make it effective; and to create such public sentiment he made a powerful appeal to religious and patriotic feeling. The last years of the Republic had been a period of skepticism. Religion had become formalistic and while statesmen like Cicero in public speeches might appeal to the gods, in private conversation they were usually treated with indifference. Temples had fallen into decay, the sacred colleges had declined in popularity and membership and it was difficult to recruit even the limited number of Vestal Virgins.[1] Augustus was not only a constitutionalist in government but a ritualist in religion. That he was also a sincere believer is evidenced by the earnestness of his reforms and the reverence that characterized his life. No agnostic could have inspired the great religious revival that he planned and accomplished. And if any man had reason to believe in and be grateful to the gods for the good fortune of his life, it certainly was Augustus.

In addition to his devotion to the constitution and the religion of his country, he was also a

[1] Augustus, displeased over the failure of fathers to enter their daughters as candidates for the position of Vestal Virgins, stated that if his daughter was old enough he would enroll her. In view of Julia's subsequent conduct it is probable that she would not have been a great success as a Vestal Virgin.

shrewd politician. He knew how to interpret public opinion and he was resourceful in taking advantage of fortunate occasions to influence and direct it. Theodore Roosevelt had a saying that being right at the right time is at least fifty per cent of the importance of being right at all. And so Augustus in his effort to arouse the religious and patriotic feelings of the people, seized upon the occasion of the celebration of a century or *sæculum*[1] of national life as the appropriate occasion for a great public festival, patriotic and religious in character.

The dates and the history of the *Ludi Sæculares* (the sæcular games), are not entirely clear and consistent, and antiquarians are not agreed as to the correctness of the year selected or of the purpose of the ceremony. These games were of Etruscan origin and according to some authorities were first celebrated in 509 B.C., the year of the founding of the Republic, to implore the deities of the lower world for the cessation of a terrible plague. They had been celebrated at varying periods of approximately one hundred and ten years since that time and the ceremony had come to be based upon the idea of a century known as the *sæculum*. According to another authority, the first celebration occurred in 456 B.C. and among its purposes was the idea that every four hundred and forty years there was to be a restoration of soul and body and

[1] The idea or theory of a *sæculum* was that it represented the longest period of human life.

that the warriors of old would then return to the earth.

With the assistance of a young lawyer, Cassius Ætius Capito, learned in both religious and civil law, the question of the date and the purpose of the celebration was carefully investigated and from the Sibylline Books it was learned that the games were celebrated for the third time in 226 B.C. and that the celebration now to be held would conclude the mystic period of four hundred and forty years. This was seized upon as an appropriate occasion for Rome not only to plight again her faith to the gods, but also to emphasize the physical and spiritual regeneration that had been enjoyed under the leadership of Augustus.

From either standpoint, the thought was an impressive one. There is something in the celebration of the close of a century that strongly moves the minds and stirs the hearts of men. No one living had witnessed the celebration and no one then living would see it again. And that Rome, under the blessing of the Immortal gods, had enjoyed a spiritual renaissance was a thought that filled not only the minds of poets and statesmen but the people generally.

Proper announcement by heralds was made throughout the Empire, which in the years that had elapsed since Augustus became master of the world, had largely repaired the destruction and disorganization of war. The people were therefore glad of an occasion to show their gratitude to one

who, with the Immortal gods, had done so much to restore a world that had seemed about ready to fall in ruins. Vast crowds gathered in Rome from all parts of Italy, many of them no doubt attracted by the public games and spectacles to be given daily in connection with the religious celebration. But most of them were drawn to Rome by the unusual and historic importance of the occasion. The purification of the people by the burning of sulphur and bitumen, practiced when the first celebration was held in the midst of a great plague, was now carefully provided for in the hope that the plague might not come again and that the people purified in their persons would also feel a purification of spirit from what they were about to witness. An elaborate program of prayers and sacrifices to the deities who had watched over and protected the Roman people was arranged, beginning on the night of the 31st of May and ending on the third day following with a grand closing ceremonial in the capital.

For this closing ceremony Horace, now the leading poet and interpreter of national life since Virgil's death, was asked to write the commemoration ode, and nobly did he respond with the *Carmen Sæculare*, which is the greatest work of this great poet and worthy of the great occasion.

At two o'clock in the morning of the 31st day of May, in the presence of a vast concourse of people assembled on the banks of the Tiber in the Campus Martius, Augustus, on a platform lighted

by the fires from three nearby altars, addressed a formal prayer in the name of the Roman people to the goddesses who hold in their hands the fate of men and nations, and sacrifices of nine lambs and nine kids were made upon the altars. The next day in the Capitol, Augustus and Agrippa, accompanied by the religious orders, each sacrificed an ox to Jupiter, and the prayer of the night before was repeated.

On the second night another meeting was held upon the banks of the Tiber and prayer and sacrifices of cakes were offered to Ilythia, the goddess of fertility, and the following day one hundred and ten of the noblest matrons of Rome, representing the one hundred and ten years of the *sæculum*, offered sacrifices and prayers in the capitol to Juno, Jupiter and Ilythia. On the third night the prayer and sacrifices in the Campus Martius were to Mother Earth, and on the following day was held the last and most important ceremony, when after the formal prayer by Augustus and the third sacrifice to the goddess, Ilythia, a chorus of twenty-seven noble youths and twenty-seven of the most beautiful and purest maidens of the nobility sang the noble lines of Horace's commemoration ode. "The vigorous stanzas soared above the vast city of Rome, the seven hills of which had never heard from human lips prayers of such tender and harmonious sweetness rising to the gods."[1]

A prayer was addressed to Phœbus and Diana,

[1] Ferrero's *Greatness and Decline of Rome*, vol. v., p. 90.

"to grant the blessings that we pray at this holiest season when the verses of the Sibyl have commanded chosen maidens and spotless youths to sing the hymn in honor of the gods who 'love the Seven Hills.'" Ilythia's blessings were asked upon "the Fathers' edict, concerning wedlock" and to make it "prolific in new offspring" and the Fates were importuned to "link happy destinies to those already passed." Mother Earth was asked to continue her "bounteous harvests"; Apollo and Diana were importuned to "make teachable our youths and grant them virtuous ways," "to the aged, give tranquil peace and to the race of Romulus riches and offspring and every glory." The closing supplications to Phœbus and Diana were that Augustus, "the glorious scion of Anchises and of Venus," might continue to "triumph over the warring foe, but be generous to the fallen," and "to prolong the Roman power and Latium's prosperity to cycles ever new and ages ever better."

The effect of this religious revival did not end with the scattering of the people to their homes, but continued to grow from year to year. And at a time when the founder of the Christian religion was born, the old Pagan religion enjoyed a purification and revival that gave strength and vision and patriotic devotion to the Roman world.

That this was a patriotic as well as a religious celebration is manifest from the identification of religion and the state. The deities of the Roman world were those who cared for the welfare and the

glory of the state. It was to them in times of danger and distress that the people prayed and sacrificed for relief, and it was to them that the people paid their tribute of gratitude in the hour of success and victory. Devotion to the gods was devotion to the state. *Pietas*, which is perhaps the word, that with the Romans, best expressed what we mean by religion, included respect and reverence for official and religious authority.

In this great patriotic and religious revival there was an influence of even greater and more lasting power than that exerted by the leadership and the prestige of Augustus. In the year 19 B.C., while returning from Greece with Augustus, Virgil had died at Brundisium. He was then the great poet of the day. His bucolics, georgics and eclogues, generally read and admired, had established his reputation and done much to aid the policies of Augustus and the revival of the religious feelings of the people. "Above all venerate the gods" had been the great moral and religious lesson he had sought to convey.

It was generally known that in response to the earnest plea of Augustus and Mæcenas, he had a greater work under preparation. But he died before it was fully completed and by his will he directed his executors to destroy it. Augustus, knowing its beauty and its value, exerted the necessary influence to have this direction disobeyed. Probably Virgil expected it to be disobeyed, for had he felt sure of its advisability, he could have destroyed the work himself. He gave this

direction in that feeling of uncertainty which comes to men of genius, and men without genius, as to the value of what they have written. And by this method he secured the sincere judgment of his friends.

Thus was the *Æneid* saved for the world, which would have been poorer had it lost this great poem. Given publication contemporaneously with the enactment of the social laws and but one year before the *Ludi Sæculares*, it must have been an influence strongly contributing to the moral reform and the religious and patriotic revival. The *Æneid*, as a great national poem, tells us, "whence came the Latin fathers and the walls of lofty Rome." It puts aside the humble beginning as told in the story of Romulus and Remus suckled by a wolf and names the great Æneas, son of Venus as the founder through his son, Julius, of Rome and of the Julian line. It tells the story of the struggles and achievements of the Roman people and their great leaders and of the glory and happiness they had finally won under the leadership of Augustus. But it tells more. It tells of the great destiny and mission of the Roman race:

> Others shall mould, I doubt not, the breathing bronze more delicately and draw the living features out of marble, others shall plead causes more eloquently, map out the wanderings of the sky with the rod, and tell the risings of the stars. Thou, Roman, forget not to govern the nations under thy sway. These shall be thy arts: To impose the rule of peace, to spare the subject, and defeat the proud.

Altar to Lares of Augustus

This beautiful altar, dedicated to the household gods of Augustus, evidences the general disposition of the Roman people to pay tribute to the restorer of order and prosperity to the Roman world.

The deep religious feeling that found expression in Virgil's other works sounds a stronger and a purer note in the *Æneid*. It was in effect a new testament of religious conviction and faith. The gods and goddesses to whom Rome owed her greatness and her power, were idealized and yet made more real to the people. The Sibylline Books, which Augustus had restored and from which the spurious additions had been eliminated, might continue to be the "law and the prophets" for those learned in religious law and prophecies, but the Æneid gave to the people their conception of divine power as represented by the protecting deities of Rome. In the *Pietas* that it so strongly inspired, there came a new sense of obligation to the gods, to Rome and her great mission as mistress of the world. The rolling cadence of its beautiful lines may have won for it an immediate popularity, but it was as a great epic poem glorifying the power and achievements of the Roman race and as an expression of deep religious feeling that its lasting influence must be found.

There is no reason to doubt but that the *Æneid* was also an expression of the convictions and ideals of the people. Those who treat it as only an elegant poem for the entertainment of the cultured few misread history. Every schoolboy could recite some of its lines and its popularity must have been largely based on the fact that Virgil expressed in beautiful language what the people

thought and felt. Likewise do those writers misread the record of the period who see only the machinery and formulas of religion in its temples, its sacrifices and its shrines. It is asserted that the Romans were not a religious people because they lacked imagination. There is more imagination and idealism in Virgil than in Homer. Virgil's gods are more the instruments of divine power and less men of flesh and blood than they are pictured in Homer's immortal verse. And Virgil was to Rome what Homer was to Greece. The repair and construction of so many beautiful temples, the building of three hundred wayside shrines throughout the city by Augustus, which were kept filled with flowers of spring and summer, must have meant something more than the providing of places in which to make formal sacrifices and to offer formal prayers.

The life of the Roman people as it is told to us in history, in literature, in the monuments and the temples with their inscriptions, shows a profoundly religious people, who walked daily with their gods to whom they rendered a sincere tribute of devotion.[1] Those who regard the Roman deities as

[1] The assertions herein made as to the religious character of the Roman people are in conflict with the conventional view expressed by most historians. Since this was written I have found an interesting confirmation of my opinion in *The Unwilling Vestal*, a tale of Rome under the Cæsars, by Edward Lucas White. While Mr. White is a writer of fiction and not an historian, this work and his more recent work, *Andivius Hedulio*, display a most accurate knowledge of Roman life and society in the

"members of a literary convention" useful for the writing of poems and as the recipients of meaningless sacrifices and insincere prayers, exaggerate beyond human possibilities the hypocrisy of the Roman people. They also disregard the earnest desire of humanity in all ages to pay tribute to that divine power that they can feel but cannot understand. If religion is the realization of and reverence for a supreme spiritual power in the universe which makes for righteousness, then the Romans were a religious people. Their religion lacked the inspiration of a great teacher and a great personal sacrifice, but it cannot be doubted that it was a real expression of their desire to pay tribute to the spiritual forces of the universe for the blessings they enjoyed and for their hope of happiness in this world and the world to come.[1]

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latter part of the second century of the Roman Empire. Speaking of the religious faith of the Romans, Mr. White says:

"Most modern writers assert, what they sincerely believe, that the Romans had only the vaguest and most lukewarm religious faith, and no vivid devout convictions at all.

"The facts were entirely the other way. There were agnostics among the cultured leisure classes, there were unbelievers of various degrees everywhere in the towns and cities. But the mass of the population, not only universally, all over the country-side but collectively in the urban centers, believed in their gods as implicitly as they believed in heat and cold, birth and death, fire and water, pleasure and pain. Government, from the Roman point of view, was a partnership between the Roman people, as represented by their senate, and the gods."

[1] The contention that the Romans were not a religious people finds expression in the well-known statement of Gibbon, that "the various modes of worship that prevailed in the Roman

Three hundred years later when Christianity came to supplant the old Pagan religion of Rome, it even then found a strong devotion to the old faith which had survived for a thousand years. And the identification of religious and patriotic devotion made Paganism more tenacious in its fight with Christianity. There is a real eloquence and pathos in the plea of Symmachus on behalf of the senators in 384 A.D. to the Emperor Valentinian II to restore to them the symbols of their old faith which they associated with the success and glory of the Empire.[1] Whatever weaknesses and defects we may justly attribute to the Roman religion there can be no doubt that it was during this period a vital and controlling influence in the lives of the people and in strengthening society and the state. And though Augustus may at times have felt concern over the immoralities and the pleasure-seeking of the day, he doubtless felt that he could rely henceforth upon a strong religious faith that had come again into the minds and hearts of men.

Another expression of the patriotic and religious

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world were all considered by the people as equally true; by the philosophers as equally false; and by the magistrates as equally useful." In this assertion, Gibbon has, as usual, largely sacrificed the truth for the sake of a striking sentence.

[1] Speaking in the name of Rome the appeal is in part as follows: "Most excellent princes . . . permit me to continue in the practice of my ancient rites. This religion has reduced the world under my laws. These rites have repelled Hannibal from the city and the Gauls from the capitol."

spirit of the times is to be found in what is commonly referred to as Emperor worship. A full discussion of this subject is impracticable within the scope of this work. From the standpoint of the Pagan religion, it was neither inconsistent nor irreverent. The worship of rulers had been more or less general in oriental life, but it had been absent from the religion of Greece and Rome. While distinctions between the human and divine were not then clearly drawn, it was contrary to the sentiments of the Roman people to worship a living person. That savored too much of kingship and of the practices of oriental monarchies to be acceptable to a people who had enjoyed five hundred years of republican government.

And yet, in both Greece and Roman mythology the gods and goddesses represented different manifestations of divine power in the affairs of men. Thus when Augustus, by his leadership and statesmanship, had brought peace to a world that had hardly known it before, and men had become happy and prosperous, they naturally wished to place him and the government that he represented on an equality with those divine powers for good, to which they paid tribute in their prayers and sacrifices. And so altars were erected throughout the East to Rome and Augustus. He prohibited them in Italy and had the silver statues that had already been erected to him melted down and recast in honor of Apollo, who was his favorite god. In the provinces, he permitted the erection of the

temples and altars if they were jointly dedicated to him and the state. The distinction was also made that the tribute was not to Augustus as a man, but to his genius, to his numen, to that spiritual power that directed his life and guarded his safety, that indefinable something which bears an analogy to what we call the soul.

Throughout the Empire, wherever altars were erected to Rome and Augustus, collegia were organized to maintain them and the worship and the meeting of these collegia, composed as they were of leading citizens, came in time to deal with public questions and to make recommendations to provincial governors in reference to matters of government. Thus was born the germ of provincial representative government. That this worship developed in the later days of the Empire into an oriental tribute to the person of the Emperor in no way minimizes its importance as one of the strengthening influences in this great period of reconstruction and reform. Those who see in this worship nothing except a courtierlike tribute of Asiatic subjects, such as they had been accustomed to make to their own monarchs and kings, and those who see in it a desire upon the part of Augustus and his successors to glorify their own greatness are alike insensible to its real meaning. Rome and her power were to the people of the Empire, an expression of divine power, as was also that protecting genius or spirit which directed and protected the life of Augustus.

The Emperor and the Empire became the symbol of national life and the strongest tie that bound together the far-flung and diverse sections of the Roman world, just as in the disturbed and disorganized period through which we have just passed, the British sovereign has been the strongest bond to hold together the different parts of that great Empire. The altars of Rome and the Emperor were found in every Roman camp, and in the provinces temples and altars were erected where vast concourses of people assembled to pay their tribute. In 10 B.C. such a temple and altar was erected in Lugdunum, then the capital of Gaul, from which roads stretched to the four quarters of the province. The dedication of this temple was accomplished with elaborate ceremonies and a priesthood to maintain the temple and this worship, consisting of the leading men of Gaul, was established.

Thus did the worship of Rome and Augustus formally succeed the old Druidical worship of the Gallic tribes, and thus was Gaul bound more closely to the Empire. Augustus would have failed in statesmanship had he not recognized the value of religion and of the worship of Rome and the Emperor as a strengthening influence in government and society. Seventy-five years later, in the trying times under Nero, Seneca could truly say: "It is religion which keeps the army together"; and if religion had this influence with those who have never been distinguished for their reverence

or piety, how much stronger an influence must it have been with the people as a whole.

Although Augustus prohibited temples and altars to himself throughout Italy, the people were not to be denied their desire to give to him their tribute and devotion. The worship of his genius was associated with the Lares or household gods, among which his statue was probably to be found in every home. It was also placed in the more than three hundred wayside shrines or chapels found in every quarter of Rome at the crossroads, and for which the people had a profound devotion. In connection with this worship there developed a new religious order known as the *Ordo Augustalium* whose members seemed to have been principally freedmen. Membership in this order was eagerly sought, for it gave the freedmen a sense of dignity and position of which they had been deprived by the accident of birth. Augustus also took advantage of the deep religious sentiment of the period to strengthen and restore the various priesthoods. By accepting membership and office therein, he set an example that brought to these orders the leading men of the Empire. So henceforth the gods and their temples did not want for attendants.

In 12 B.C. Marcus Lepidus died after what must have been a dreary period of twenty-four years as a private citizen since Augustus had deposed him as one of the triumvirs. While he had been allowed to retain the empty title of the Pontifex

Maximus, his activities had been limited to the most formal ceremonies. There was not only a universal demand that Augustus should have the office, but that the occasion should be made an opportunity for another expression of gratitude and confidence from the people. To emphasize the popular feeling in his favor, electors came from all parts of Italy to join in his election, though no one, of course, was considered in opposition. "So great a multitude," says Augustus in the *Monumentum Ancyranum*, "assembled as, it is said, had never before been in Rome."

To give expression again to the deep religious feeling of the period, a five-day celebration or religious festival was conducted with sacrifices particularly devoted to Minerva, the goddess in whose honor the artisan and the lower classes were accustomed to pay tribute. The usual public games and gladiatorial combats were also given for the entertainment of the people. But before the festival was concluded, there came to Augustus the sad news that Agrippa, his valued friend and associate in the principate, was dying and though Augustus hastened to him, he did not arrive before his death. Thus at the age of fifty years in a position of power and distinction, second only to that of Augustus, died this great and useful man. As Augustus sadly returned to Rome with the body of his friend, how his mind must have reverted to the time thirty-two years before when they, as boys of eighteen and seventeen years of age, had

come to Rome following the death of Cæsar to begin that remarkable contest that they had waged side by side for world dominion and power. Augustus, as he recalled the valuable and important service that had been given him by his faithful friend, who had shared with him the labor and the glory, must have felt weigh more heavily upon him than ever before the responsibilities of his position.

In the previous year the joint principate of Augustus and Agrippa had been renewed for another five years by the senate and comitia and to Agrippa had been given the command of all legions for the final subjugation and pacification of Germany. Although the opportunity to accomplish this great work was denied him, Agrippa's name must be recorded as one of the builders of the Empire, second only to that of Augustus.

Though Augustus was now left to bear the burden of supreme authority alone, for there was no one to take the place of Agrippa, yet he could feel that the foundations of the Empire had been securely laid. Rome was at peace within her own frontiers and with other nations. The western world looked to Rome for the decision of differences and direction in the work of government. The constitution had been reformed so as to create an effective executive authority which directed the affairs and bound together the different parts of the Empire. Laws in correction of social evils had been adopted and a strong religious and

patriotic feeling aroused, which gave strength and coherency to society and government. And what was more remarkable and important, there had come into the minds and hearts of the five million Roman citizens a conviction as to the glorious mission of the Roman people to promote the welfare and happiness of the Empire, "to impose the rule of peace, to spare the subject and defeat the proud."

What a striking contrast this feeling of national purposes and ideals offers to that record of conquest, plunder, oppression and civil strife that had characterized the closing years of the Republic!

For over two hundred years the Roman legions had marched with their clanking armor and victorious standards in wars of aggression and conquests throughout the Mediterranean world. Victory had meant death or slavery to many of the vanquished and the rule of Rome for those who survived had been one of oppression and injustice. Now the great national poet of this conquering and masterful race was preaching the duties and responsibilities of power according to twentieth century standards of national morals. In the lifetime of one generation there had come a complete change of national purposes and ideals. In the light of this transformation, may we not indulge the hope that a world so recently torn and still grievously burdened by the results of the most destructive war of all history may yet turn its energies, its purposes and its ideals into the paths

of peace and effectively provide for its preservation? In this record do we not find one of the great messages that Rome has for the world today?

CHAPTER VII

ROME'S GREATEST GIFT TO THE WORLD

RUSKIN has written, "If there be any one principle more widely than any other confessed by every utterance, or more sternly than any other imprinted on every atom of visible creation, that principle is not liberty but law."

What is true in the physical world is true in organized society. Law is the foundation of all human institutions. Though a nation can live without liberty it cannot live without law. Law is the handmaid of civilization and progress. While a marked similarity is evident in the laws of all nations that have realized approximately the same degree of civilization and culture, some nations have shown a capacity for making rules of human conduct and for adopting methods of procedure for administering justice that entitles them to the gratitude of the world. In the list of those who have been great law makers, the Romans are entitled to the place of first distinction, with the English speaking people alone entitled to be regarded as competitors. "Law," as James Bryce says, "is Rome's great gift to the world."

Any adequate discussion of Roman law would,

like most subjects of Roman history, require a volume, so only a cursory view of it can be presented here, with an emphasis on a few points of particular importance. Two which justify such an emphasis are: first, that there is no substantial difference of historical opinion upon the proposition that law is Rome's greatest gift to civilization; and the second, which has received but limited consideration by legal and historical writers, is, that the work of Augustus in reforming and developing Roman law was the most important of all of the notable achievements of that great era of reform, of which he was the inspiring and directing influence.

The absence of expressed opinions upon the second proposition is to be largely explained by the lack of historical record as to the reforms effected by Augustus in Roman law and procedure. We have the bare facts as to what he did; but as to the reasons for and details of the changes that he made, we must largely reach our conclusions by inference. Even Augustus, in the review of his life, makes no specific reference to them.[1] Augus-

[1] The only reference to the work of legal reform in the *Monumentum Ancyranum*, if it is a reference at all, is in these general terms: "By new legislation I have restored many customs of our ancestors which had now begun to fall into disuse, and I have myself also committed to posterity many examples worthy of imitation." If this can be taken as a reference to his reforms of Roman law, the examples that he "committed to posterity," "worthy of imitation," were unquestionably more important than the "customs of our ancestors" which he restored.

tus was not a lawyer and he probably did not fully realize the importance of what he had accomplished. Further, he must have acted as Justinian acted over five hundred years later and as Napoleon acted eighteen hundred years later in the framing of the codes which bear their names—through a commission of able lawyers and jurists. That he did act is the important proposition, for at a crisis in the development of Roman law, when it was burdened with meaningless formulas and technicalities, when it had felt the general disorganization and corruption of the Roman world and was showing no capacity for scientific development along lines of natural justice, Augustus gave to it the necessary provisions for proper growth that made it the most harmonious, scientific and effective system of jurisprudence that civilization has known. It stands today as the greatest triumph of human effort and achievement.

Are these words of praise too strong? Their warrant is to be found in the part which Roman law had in the maintenance of the Roman Empire, the civilizing of Western Europe, and in the benefit that it has been to civilization since the darkness and the chaos of the Middle Ages.

The early period of Roman law, like the origin of most Roman institutions, is shrouded with uncertainty and by no means free from confusion. The Twelve Tables is the first record that we have of Rome's written laws. The date 451 B.C. has generally been accepted by historians as the time

when they were prepared; but recognized classical scholars have questioned the accuracy of this date and of the tradition that they were framed by a commission of ten wise men, and have given to Appius Claudius, the censor, the credit for their preparation and their publication in the early years of the fourth century B.C.[1] If this is to be accepted as true, then is Appius Claudius, whose influence, when old and blind, in establishing Roman Imperialism has already been referred to, entitled to the credit of being not only the founder of Roman Imperialism but also of Roman law. At all events, he contributed largely to the development of the latter, for by making accessible to all the people the laws regulating procedure, and the interpretations of the Twelve Tables, he brought upon them the force of public opinion which developed them in accordance with the needs of the growing civilization of the time.[2]

Tradition, however, gives us the story of a commission of ten wise men selected to codify Rome's

[1] Professor Pais of Turin in *Storia Di Romia*, is the principal authority who assigns the Twelve Tables and their publication to Appius Claudius. Professor Lambert, of Lyons, fixed the even later date of 297 B.C. for their preparation and publication. (See Roman Law, *Encyclopædia Britannica*.)

[2] Professors Pais, Stobart and Mommsen are all agreed in assigning to Appius Claudius, rather than to his plebeian assistant Cn. Flavius, the credit for the publication of the Law of Procedure. The denial of this credit to Appius Claudius is explained on the theory that there was an effort to disparage the public services of the Claudii family. (Stobart, *The Grandeur that was Rome*, page 48.)

laws, who in the pursuit of their labors visited Greece and in the final codification borrowed much from Grecian laws. This story rests on slight evidence—the similarity between certain provisions of the Twelve Tables and Grecian laws. In the study of comparative jurisprudence, we must not permit ourselves to be misled by similarities alone. There are of necessity in all codes of law of nations in approximately the same degree of culture and civilization many of the same provisions. Such similarities are to be found in such widely separated codes as those of Hamurabi, 2285 B.C., and the laws of Oklahoma. The same ideas of right and wrong, the same conceptions as to the right to be free from injuries to person or property must find expression in substantially the same expressions whether they are handed down from Sinai or found in the legislation of one of the United States of America. There is not sufficient evidence to support the assertion that the Romans borrowed much, if any, of their law from other nations or peoples.

The Roman as we see him when he first emerges into the light of history, is a natural lawmaker, law observer and law enforcer and the Roman people, in their traditions and folk lore, glorified devotion to and enforcement of law as they glorified courage, virtue, *gravitas* and the love of liberty. Not only was the Roman serious and orderly-minded, but he was devoted to precedent and ceremonies. He also had a natural sense of

justice, uninfluenced by sentimentality, though, measured by our standards, it may at times seem severe. He prided himself on his willingness to submit to the restraint which the law had imposed for the common good.

At its inception, Roman law was a part of Roman religion and the king and the priests were both connected with its administration. But even then there was a distinction between Jus or human law and *Fas* or divine law, though the violation of either brought its punishment by human hands. The actual administration of the laws was filled with ceremonies which were as complicated and as sacrosanct as the formulas which belonged to the early periods of the English law. The necessity of observing all necessary ceremonies and statements with a verbal accuracy enforced by the presence of a priest placed the administration of the laws in the hands of a selected few.

The clash between the patricians and the plebeians and later between the aristocratic and the democratic parties can be seen in the development of Roman law. The compilation and the publication of the Twelve Tables was a great reform in the fight between vested privilege and human rights, as was the publication of the rules of procedure and interpretation over one hundred years later. While the Twelve Tables were the beginning and, in a sense, the foundation of Roman law, they were not, with the exception of a few provisions, what

we know as written constitutions in America.[1] That is, the Twelve Tables were not confined to the declaration of the fundamental principles upon which laws must be enacted, human rights protected and court decisions made. They were not intended, as was Magna Carta, to be a charter of human liberties, nor did they undertake to provide a scheme of government and define the rights and duties of citizens as does our Federal constitution. The principles of public right announced in the Twelve Tables were, however, both sound and important: no law could be passed for the benefit of an individual; the comitia centuriata alone could render judgments concerning the life, liberty, or citizenship of a citizen and an appeal was allowed to the assembly of the people in criminal cases; conflicting laws repealed prior enactments and death was the punishment for a judge who accepted a bribe.

In addition to these provisions, fundamental in their character, there were provisions of a general nature fixing liability between individuals. A master was held civilly liable for the wrong of his slave and an owner for the damage done by his animal or flocks; interest could not be charged in excess of 1% a month; property in litigation could not be dedicated to religious uses; and the

[1] The full text of the Twelve Tables has not been found. From fragments and other sources most of their provisions are fairly well agreed upon. There were 115 sections of the Twelve Tables and of those only about six can be fairly regarded as in the nature of modern constitutional provisions.

statute of limitations did not run in favor of a foreigner.

In addition to such laws as we might expect to find in the statutes of any state, there were such detailed provisions as that permitting a litigant to bring his adversary into court by force should he decline to come willingly; but, if the adversary was prevented from coming by sickness or old age, the plaintiff was required to "provide a vehicle" but not necessarily a "covered one." The regulations as to burial were as specific as the provision of the funeral manual of one of our fraternal organizations. No unnecessary display was permitted. The law provided that not even "the wood of the pyre shall be smoothed with an axe" and that no "gold shall be displayed" at the funeral, but "if the teeth of the dead are fastened with gold it may be burned or buried with the remains."[1] But the Twelve Tables were not unchangeable like the laws of the Medes and the Persians. They were subject to repeal by legislation or to interpretation by the courts that administered them. So also was a legal enactment[2] subject to interpreta-

[1] This gives us the interesting information that gold was used then, even as now, by the dentist in filling and fixing teeth. Surgical science had in the ancient world apparently made more progress than medical science. I was told by one of the leading ophthalmologists of this country that there had been found in the ruins of Pompeii surgical instruments similar to those used today for performing the operation of removing a cataract from the eye.

[2] By the term, "legal enactment," I intend to include all measures enacted into law by those entrusted with such author-

tion by the courts and through the exercise of this right, both the provisions of the Twelve Tables and other laws could in effect be repealed by the courts.[1] Consequently, the Roman law was, in its periods of development, more distinctly a common, unwritten or court-made law than was the common law of England. The Roman constitution was also an unwritten constitution founded on precedent and practice and immemorial right.[2] Though it found expression from time to time in legal enactments, that which gave these enactments force and permanency was the common practice and opinion behind them,[3] as much or more than the authority that enacted them.

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ity. Such enactments include leges, enactment of the comitia; plebescita, laws enacted by the plebs on the proposal of a tribune; and senatus consulta, which had the force of law after the senate was clothed with legislative authority. After Diocletian, and perhaps before, the decrees of the emperor had the force of law.

[1] On the other hand, the Jus Honorarium or unwritten law, which found expression in the earlier period principally in the edicts of the prætors, could be changed by a legislative enactment. The confusion that would naturally be expected to result from this conflicting authority of different departments of government seems to have been avoided in actual practice with the Romans as it has with us. Under the Roman constitution even a judgment of a court in a specific case could be set aside by a legislative enactment. (Greenidge, *Legal Procedure in the Times of Cicero*, pages 521–522.)

[2] As Cicero said: "Our Roman Constitution is not the product of the genius of any one man, but of that of many; it was not evolved in any one lifetime, but in the course of generations and centuries." (*De Republica*, ii., 1.)

[3] Greenidge, *Legal Procedure in the Time of Cicero*, pages 79–82. Thus the principle that a law should contain but one subject was a

But what was the administration, what the machinery by which this common law was created and justice administered between citizens or the citizen and the state? This is, after all, the important question in any system of jurisprudence. How are rights enforced? Are the courts open to the rich and the poor, the high and the low on equal terms and is justice administered without fear, favor or delay? It was not of much importance to the plebeian farmers or shepherds, who in the time of Rome's fight for existence and later for Empire, made up the Roman armies and produced the food necessary for the support of the Roman people, to have their rights fixed by the Twelve Tables, unless they were assured of protection or redress by a practical, just and effective enforcement of law. Just as it is of no particular importance to the laboring men of today that an employer is liable for negligence resulting in an injury to his employee, unless the methods by which that liability can be translated into adequate compensation, are just and fair.[1] The provisions of our state and federal constitutions securing the rights of persons and property are as "sounding brass and a tinkling cymbal" unless the courts are

part of the Roman constitution and there was also a legal enactment to that effect. A similar provision is found in most of our state constitutions.

[1] It is due to the failure of our courts to award *such* compensation that the adjustment of such issues has been transferred to workmen's compensation commissions and that administrative law is taking the place of adjudicated law.

honest and capable in the administration of justice.

In most of the works on Roman law, the importance of the administration of the law seems to one who has had an active and extensive experience as a trial lawyer most unreasonably subordinated to the discussion of substantive law.[1] The law of procedure should, as a practical proposition, in any system of jurisprudence, be given a place of importance equal with the substantive law itself. And it is in this question of procedure that we can see the very great importance of the changes and reforms accomplished during the reign of Augustus.

It is characteristic of all systems of jurisprudence that in their early periods the administration of the law is filled with formulas and ceremonies in which a technically exact compliance with the rules is necessary for success. This condition can usually be attributed to the effort of some ruling class to enjoy a monopoly of a successful conduct of or participation in actual litigation. Roman law was no exception to this general rule. The King, the priests and the patricians in turn were those who knew the rules and profited by them. But as civilization advances, as equal rights come to all classes and as special privileges are overthrown, the administration of justice tends to become simple and free from formulas and technicalities. At least this is true in all cases except in

[1] An agreeable exception to this rule is the able work by A. H. J. Greenidge, *The Legal Procedure of Cicero's Time.*

the administration of the criminal laws in the United States of America.[1] In the early Roman procedure, the misplacement or omission of a word or even a gesture would be fatal to one's case. There were, in the Roman law, some four or five different actions, *Leges actiones*, which cannot be described within the limits of this chapter.[2] They must have contributed largely to the maintenance of the special privilege of the patricians and to the prevention of the proper development of Roman law along lines necessary to the welfare of a growing and progressive people.

Three things are necessary for a just and effective system of jurisprudence: First, definite rules of conduct establishing and declaring rights and duties; second, a prompt, just and effective method of adjudicating controversies; and third, a method by which the law can develop under scientific direction in response to the changing ideas of social and industrial justice. For law, after all, is, or

[1] Chief Justice Taft has frequently stated in his public addresses that our system of procedure in criminal cases has practically broken down of its own burden of technicalities and that the administration of the criminal law in practically all of the States "is a disgrace to our civilization." This unfortunate and discreditable situation is principally due to the glorification of technicality by our appellate courts and the timidity and incapacity of our trial courts.

[2] In the conduct of those highly technical actions there was in effect a joining of issue by the plaintiff and defendant in the form of a wager; that is, the plaintiff bet a certain amount that he was right and the defendant accepted the challenge by betting the same amount that he was right.

rather should be, if it is to be just and enforceable, a concrete expression of the moral judgments and practical needs of each succeeding generation. The Roman law, during its early periods possessed the first of these three essentials but lacked the other two.

The first efforts to supply them came in the edicts of the prætors and the change from the old technical procedure of the *Legis actio* to what was known as the trial by formula before the prætor. The judicial authority enjoyed by the kings and the priests had on the establishment of the Republic been transferred to the consuls and in time the office of prætor was established to exercise the Imperium and the *adjudicatio* of the consuls in the conduct of litigation. The prætor was not learned in the law, at least he did not need to be, as he was only an administrator or a magistrate.

When parties to a controversy had come before him either on notice or by the plaintiff's bringing the defendant forcibly into court and the prætor's efforts to persuade the parties to settle (which were always made), had failed, the trial began. Each side stated the controversy from his standpoint, either in person or through a hired advocate, and after the prætor had come to understand the facts of the controversy he would "state a formula," which corresponded in a general way to the instructions of a court to a jury in the trial of a civil case in this country or Great Britain. This formula, which was, of course, in writing, stated

the issues, the question to be decided and the form of the judgment. It was then referred to a *Judex*, agreed on by the parties, who was also a citizen, unlearned in the law,[1] who heard the evidence, listened to the argument of the advocates[2] who were not usually learned in the law and rendered his decision which became the decision of the court.

The question will at once arise, where did the lawyers, that is, those "learned in the law" "come in"? For it is the common knowledge of every schoolboy who has "read his Cicero" that there were lawyers then as there are now and that they performed a very useful service in the administration of justice. There were two kinds of lawyers then as there are now, by definite division in Great Britain, and by a less definite classification in the United States. The trial lawyer, as he is

[1] The *Judex* was selected by agreement of the parties or if they could not agree, by the prætor and he corresponded in a general way to the referee, master in chancery or commissioner, to whom, under our practice, the trial judge oftentimes refers a case for hearing; except under our practice, those to whom a case is referred are lawyers.

[2] I have used the word "advocate" in its usually accepted meaning and not as a translation of the Latin term *advocatus*. A litigant was entitled to the assistance of an "*advocatus* and a *patronus*." An *advocatus* might be learned in the law or merely an influential man as a knight or a senator while the *patronus* represented the litigant in the actual conduct of the litigation examining witnesses, reading depositions and addressing the court and jury. At times the number of *patroni* one could have to represent him was limited by law and though there was no limit by law in the time of Cicero, the custom was not to have more than four.

known with us, or barrister as he is known in Great Britain, was not, in Rome, learned in the law; he was known as a *Patronus* and he was an advocate, and orator. This is what Cicero, Cotta and Hortensius were.[1] The Roman lawyers learned in the law came to be known as jurisconsults, that is, those who were consulted as to the law. Every patrician was supposed to be learned in the law and was expected, without compensation, to advise those who requested his assistance.[2] The same practice of service without charge obtained as to advocates and the *Lex Cincia* prohibited the taking of fees. This law, however, was more honored in the breach than in the observance and advocates at least received large fees in the form of honorariums.

[1] Some question has been raised as to whether Cicero's statement that he was not learned in the law was made seriously or facetiously. He spoke sneeringly of jurisconsults in the case of Murena, saying that in two or three days one could learn all the law needed for practice and advice. We also know that he laughed when someone suggested to him that he become a jurisconsult. Possibly his reference to lawyers in his argument in the Murena case was simply to win the favor of the jury. (See Peterson's *Cicero*, p. 257.)

[2] The story is told that Servius Sulpicius asked the opinion upon a question of law of Mucius Scævola and not having understood his answer asked him a second and a third time, whereupon he was informed, "that it was shameful for a patrician and a jurist to be ignorant of the law which it was his duty to administer." Thereupon, the story goes, Sulpicius applied himself with such industry to the study of the law that he acquired the highest reputation therein of any of his countrymen and left 180 volumes of commentaries for the use of his successors.

But when and how did the jurisconsults function in the administration of the law? They could and doubtless often did advise the prætors as to the preparation of the formula and they could and usually did advise the *Judex* as to his decision. But before the reforms in procedure during the reign of Augustus, the *Judex* was not bound by the advice of the jurisconsult, if he consulted one at all, and consequently, a case could be heard and decided without any legal direction or advice to those conducting the trial as to the application of recognized principles of the law to the facts of the case. It is at once apparent that while through decisions thus rendered new precedents would be established, yet Roman jurisprudence under such a system tended to become what our English common law has been described to be: a "codeless myriad of precedents, the lawless science of the law."

The other influence that tended to make the Roman law less rigid and technical, more capable of growth, but not along exact or scientific lines, was, as has been stated, the edicts of the prætors.[1] Each prætor before he went into office, and there was a new one every year, issued an edict in which

[1] The number of Prætors was increased from time to time until there were eighteen in the time of Julius Cæsar. Augustus reduced the number to twelve which was the number fixed by Sulla. There were also Prætors throughout the provinces but there the distinctions between the Jus Civile and Jus Gentium did not obtain. Prætors were also appointed to have charge of different classes of litigation.

The Council of Justinian

This well-known painting by Benjamin Constant of the council of Justinian shows Justinian and members of his commission engaged in the important work of codifying and restating the law of the Roman world.

By permission of the Metropolitan Museum of Art

he announced in advance the rules and precedent he would follow and the laws he would or would not enforce during his administration. Thus the prætor's edicts gave to the law its code of precedents and furnished a practical method for elasticity and growth. These edicts constituted what came to be known as *Jus Honorarium*, which was the principal part of the common law or custom-made law of Rome. But Roman law did not have, during this period, either in the edicts of the prætors or the decisions of the *judices*, the benefit of the official control and direction of those learned in legal principles. The result was what might have happened in England or in our country, if the decisions in all cases were rendered by officials unlearned in the law, to whom the cases had been referred by some administrative officer.

Rome had a dual system of courts, something like the state and Federal courts of this country. The Prætor *Urbanus* administered the Jus Civile, or law of the Roman people, in litigation between Roman citizens; while the Prætor *Peregrinus* had jurisdiction over cases between foreigners and between foreigners and Roman citizens and administered therein the Jus Gentium, or law of nations,[1]

[1] This law has been confused by some writers with what we know as International Law and by others with Jus Naturale, or natural law, which was supposed to be the product of Stoic philosophy. It was, however, a distinctly municipal law and in its development the Stoic philosophy had but a limited influence. The prejudice of the Romans against other systems of jurisprudence was voiced by Cicero in advocating the practice of having

which was based on the customs generally recognized by the nations of the Mediterranean World. Both systems were based, as is our common law, on human life and experience rather than on a system of logic or philosophy but the Jus Gentium developed along broader lines and more in accordance with what we call equitable considerations, than did the law administered by the Prætor *Urbanus*.

But in both courts the law had the advantage of a system of administration that made it responsive to the needs of the times and public opinion. In fact, without the authoritative direction of trained legal minds, the Roman law was too apt to respond to apparent exigencies of industry and commerce and temporary expressions of public feeling, and too little regardful of the need of adhering to established legal principles. The law of Rome was in the latter period of the Republic like a ship without a compass or a trained pilot. It often made its port by relying on the experience and common sense of those in charge, but the system of navigation was not such as to inspire con-

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the school children recite the Twelve Tables. "They inculcate," he said, "the soundest principles of government and morals; and I am not afraid to affirm that the brief composition of the Decemvirs surpasses in genuine value the libraries of Grecian philosophy. How admirable is the wisdom of our ancestors! We alone are the masters of civil jurisprudence and our superiority is the more conspicuous if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Draco, of Solon and of Lycurgus. Thus I repeat every day, I prefer the wisdom of the Romans to that of other men and in particular of the Greeks."

fidence or to insure successful results. It was this situation, together with the disorganizing and corrupting influence of foreign and civil war that made it necessary that reforms should be adopted if Roman law was to do the work which was required of it then and in the future.

But before telling how Augustus corrected this and other serious weaknesses that might well have proven fatal to the coherent and scientific development of Roman jurisprudence, some attention should be given to the criminal laws and the procedure in criminal cases. Judged by modern standards, Roman criminal law and procedure fall far short of what we consider necessary.[1] This is particularly true of the Republic down to the times of Sulla. Personal wrongs such as assaults, theft and even robbery were left to be redressed by the injured party in civil suit.[2] And although the

[1] This is to be explained partly by the fact that family government and discipline did much of the work which we now impose on our courts. The father, the *pater familiæ*, was in undisputed control of his family and he was authorized for certain offenses even to inflict death. His jurisdiction included, of course, his slaves. In the matter of family discipline we might with profit imitate the Romans. Much of the increase in crime at the present time is due to the weakening of home influences and authority, to the disposition of parents to impose upon teachers and public officials their own duties and responsibilities in the training and disciplining of their children.

[2] The distinction between private and public wrongs was not clearly established. Theft was regarded as a private wrong to be dealt with by civil suit, while adultery was regarded as a public wrong and prosecuted as a crime. If a vestal virgin was convicted of adultery, for both the virgin and her paramour, the

judgments in civil actions were severe,[1] the fact that the state did not realize the injury to society by criminal offenses and prosecute the offender, impresses us as a singular and dangerous omission. The Twelve Tables fixed death as a punishment for treason, murder, judicial perjury, corruption of a judge, two or three acts of sedition, and the malicious injury by night with the aid of incantation of a neighbor's crops, the number of capital offenses being eight in all[2]; and originally, as has been stated, all capital cases must be tried before the Comitia Centuriata.

But the impracticability of a fair trial before the comitia was apparent to the legal minded Romans, though the similar procedure that prevailed in Athens seems to have been accepted as satisfactory by the Greeks. In time the practice grew up of appointing by law a Quæstio, a special commission to conduct the trial of certain offenders.[3] And in

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offense was capital, the former being buried alive and the latter scourged to death. This offense was prosecuted in the Pontifical or Ecclesiastical courts.

[1] A judgment in a civil suit in which the defendant was guilty of a breach of trust or had withheld money due another, carried with it a loss of civil rights. As a practical proposition, the judgment in a civil case carried with it in many instances a severer penalty than a judgment in a criminal case.

[2] Under the Roman law, imprisonment was not regarded as one of the customary punishments for crime, though certain officials possessed the power of placing accused persons in confinement. (Greenidge, *Legal Procedure in Cicero's Time*, page 514.)

[3] Almost every official and official body in the Roman government, kings, consults, priests, the comitias, the senate,

149 B.C. these commissions were made permanent for a year and were usually presided over by a prætor, but it was not until the time of Sulla that the jurisdiction of these commissions was extended beyond the trial of offenses connected with the public service.[1] This, however, did not bring an end to the creation of special commissions, for we find that the assassins of Cæsar were tried and condemned by such a commission. Such commissions were also created for the trial of a particular class of offenses. Both the temporary and permanent commissions were regarded, however, as exercising a delegated power of the comitia and never rose to the dignity of a court of criminal jurisdiction.

There was no clear distinction under the Roman constitution between legislative, executive and judicial authority and there was no prohibition of an ex post facto law. Thus the comitia could denounce as criminal an act already committed and appoint a commission to conduct trials for its violation. The senate also exercised authority to try certain offenses and particularly those connected with the public service by proceedings in the nature of an impeachment. Jurors in ordinary criminal cases were drawn by lot from the list

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the censor, the tribunes, the prætors, quæstors and ædiles all had at different times authority for the prosecution and punishment of violators of the law. But the records are far from clear as to the different duties and authority of these officials and the question is too technical to be developed here.

[1] Pelham, *Outlines of Roman History*, page 217.

of jurymen, who, at different periods were selected either from the knights or those of senatorial rank.[1]

Although there was no public prosecutor and any one, whether public official or private citizen, could prefer a criminal charge, the procedure of the trial was in many ways similar to a criminal trial of the present day under our procedure.[2] Defective as it may seem in some important regards, the Roman system was a better safeguard to the innocent against unjust conviction than the criminal procedure in England down to the latter part of the nineteenth century. The jurors were sworn, the witnesses testified under oath, were subject to cross examination and the defendant was entitled to testify, to be confronted by his accusers and to be represented by counsel.[3] A majority verdict

[1] Which class should furnish the jurymen was a fruitful subject of controversy between the political parties. One of the reforms accomplished by Gaius Gracchus in 122 B.C. was that jurors should be chosen from the knights; they were afterwards, under a law passed in 106 B.C., chosen from both the knights and the senators. Sulla, in 81 B.C., restored the privilege to the senatorial class who lost it again in 70 B.C. when by a law of C. Aurelius Cotta it was given to knights, senators and plebeians. Augustus continued this practice and reduced the age limit from 35 to 30 years.

[2] The same resemblance existed between trials of civil cases then and now but in both classes of trials the lawyers made their arguments to the *judex* or the jury before the witnesses testified. The appearance and arrangements of the court rooms were not essentially different from ours, though in earlier periods many of the trials were held in the open air in the forum. All trials were public.

[3] The burden of proving guilt rested upon the state but all the safeguards of our criminal laws did not apply, for one could be twice tried for the same offense and legally condemned, though

acquitted or convicted or the jury could render a verdict of *non liquet*,[1] which had the same effect as a failure of the jury to agree under our practice. The jurors voted without any formal opportunity for deliberation, though this was doubtless indulged in during the progress of the trial. The number of the jurors varied in each case from about fifty to one hundred, and the appeals of the lawyer were largely to their feelings and emotions.[2] While the forms of execution for capital punishment, including precipitation from the Tarpeian Rock, decapitation, crucifixion, being thrown into the sea in a sack with an ape, a viper, a dog and a cock (which was provided by the Twelve Tables), seem objectionable according to modern standards, yet one guilty of a capital offense could usually escape before or after trial by going into voluntary

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not present at the trial. Under Augustus the safeguard was adopted that to convict one not present, the voting of the jurors must be open and unanimous. Witnesses testified on belief, though under the sanction of an oath.

[1] The verdict of *non liquet* was practically obsolete by Cicero's time.

[2] Martial has preserved for us the interesting observation of a client to his lawyer in a civil case which was as follows: "You with all the power of your lungs and pounding the bar with your fist only make a noise about the Battle of Cannæ, the war of Mithridates, the perfidy of the Carthaginians, about Sulla and Marius and Mucius. Speak then, I pray you of my three goats." And anyone who has read the speeches of Cicero, including those he delivered and those he wrote and published after the trial can form some idea of the wide scope of the arguments of advocates in the trial of cases. They did not, to use a modern legal expression, "confine themselves closely to the record."

exile. Cicero makes no mention of a conviction for a capital offense being followed by execution in his time. In the infliction of death as a punishment for crime, the Roman law was as merciful as the Roman generals and politicians in their proscriptions were bloody and brutal. Roman law was far less bloody and brutal than the early English law, with its punishment of death for over two hundred offenses.[1]

It was not until the time of Sulla, 81 B.C., that any considerable number of offenses were denounced as criminal, and it was not until the legislation under Augustus that the list was so

[1] Henry Adams tells in his *Education* of an indictment against the brutality of English criminal law and judges, delivered by John Bright, the great orator and statesman of the early Victorian Period, at a dinner given by Mr. Adams, to the new American Ambassador to Great Britain, James Russell Lowell. The conversation having turned to the severe punishments inflicted by the English courts John Bright said, "For two hundred years the judges of England sat on the bench condemning to the penalty of death every man, woman and child who stole property to the value of five shillings, and during all that time, not one judge has remonstrated against the law. We English, as a nation, are a nation of brutes and ought to be exterminated to the last man." Up until 1827 every felony in England (about 180 in number), with the exception of petty larceny and mayhem, was punishable by death, one hundred and sixty offenses brought capital punishment "without benefit of clergy" up until the end of the 18th century. The stealing of a sheep over one shilling in value was punishable by death and the methods of execution included hanging, beheading, burning, strangling, being drawn and quartered and boiled in oil. The record abundantly justifies the stirring indictment of John Bright. (Stephens' *History of the Criminal Law.*)

enlarged as to make the criminal laws and their enforcement an important feature of Roman law.

The disorganization and corruption in Roman life, so frequently referred to as resulting from Rome's foreign and civil wars, naturally affected more injuriously the conduct of criminal trials than the civil cases. The trial of the dangerous but interesting demagogue, Clodius, in which Cicero testified against the defendant, resulted in a verdict of acquittal through the bribery of a majority of the jury; and bribery and intimidation frequently perverted the course of justice. So apprehensive was Cicero of a trial for his alleged illegal execution of Catiline's associates, while Clodius and his gang dominated Rome, that he retired into voluntary exile.[1]

When Pompey was consul in 70 B.C. and stated in a public speech that he favored the immediate reformation of the gross abuses in the administration of justice and government of the provinces, there was a loud and unanimous outburst of applause.[2] Cicero's orations against Verres, which he wrote and published but did not deliver in the

[1] A retroactive act was passed providing death as a punishment for one who had illegally caused the execution of a Roman citizen. While Cicero's name was, of course, not mentioned, his realization of the fact that the law was directed against him and that he would be convicted on trial, caused him to choose the dreary alternative of voluntary exile.

[2] Merivale, I., 32. As the people of Rome must have been far more interested in the former than the latter, we can assume that the applause was aroused by the promise of judicial reform.

trials,[1] contain a strong and convincing denunciation of the general judicial corruption of the day.

With this description of the law and procedure before the rule of Augustus, let us consider briefly the reforms he accomplished. Up to the time of Augustus, the trial by formula in civil cases was only optional and was subject to such other limitations that the old forms of Actio Legis still prevailed. The use of the formula was also limited to Rome or "within the first milestone." By two laws passed in 17 B.C. Augustus corrected this condition and henceforth, with two minor exceptions, the trial by formula was made compulsory in Rome and throughout the Empire.[2] Only by a lawyer who understands the importance that procedure has in any system of jurisprudence can the value of this reform be appreciated.

But more important was another reform that Augustus effected. By designating certain jurisconsults as entitled to advise a *Judex* as to the

[1] It was the custom of lawyers, like Cicero, to publish speeches which were not made during the trial of the case. Thus in the defense of Milo, who, as the reader will recall, was the representative of the patrician class in the contest with Clodius, Cicero seems to have "lost his nerve" and made only a few remarks which were far "below his standard, ineffective and imperfect in their delivery." After Milo was convicted and banished by a majority verdict, Cicero published a fine speech in his defense. When Milo, in exile, read this speech, he is reported to have said, "It is just as well that Cicero did not succeed in delivering this speech or I should not have known the taste of these excellent mullets of Massillia." (Taylor's *Cicero*, p. 152, Dio. xl., 54.)

[2] Pomponius, Dig. 1, 2, 2 and Chap. xlix. Bernard's *Roman Law*, par. 77.

decision of a case and requiring that the *Judex* follow their opinion,[1] he brought into the administration of Roman law, for the first time, a public official corresponding in authority and position to the judges in England and America.[2] Henceforth, Roman law was to develop along scientific lines, based on human needs and experience. The official responses or decision of the officially designated jurisconsults must also have greatly influenced, if they did not, as a matter of practice, control the edicts of the prætors. And with both the prætors and the referees, who decided the cases, directed by those learned in the law, its harmonious and logical growth was assured. As Merivale says of this new system in his *History of the Romans*,

> It led the way to the systematic development of legal principles which, as it was the greatest creation of the Imperial system, became also the firmest bulwark of its authority. (Vol. iv, p. 44, Pomponius, Dig. 1, 247.)

Professor Muirhead, the well-known authority on Roman law, says of this reform of Augustus,

> Whatever may have prompted his act in the matter, its beneficial consequences for the law can hardly be

[1] "Augustus instituted a practice which was continued by later emperors, under which certain of the more distinguished were given a sort of *patent* called the *Jus Respondendi*, the effect of which was that if after being consulted a jurist invested with this peculiar right, gave a written and sealed opinion, such opinion was deemed to be *exauctoritate* of the emperor." (Leach, *Roman Private Law*, page 32.)

[2] Hobbes, in his *Leviathan*, declares that the "King's Judges are not judges but Jurisconsults."

overrated, for the power with which they (jurisconsults) were invested enabled them to influence current doctrine, not speculatively merely, but positively and so to leaven their interpretation of the Jus Civile and Jus Honorarium with the principles of natural law as to give a new complexion to the system.[1]

With the increased interest that these reforms brought in law as a science and learned profession, there were established two schools, one presided over by Capeto, who, we will remember, advised Augustus as to the celebration of the *Ludi Sæculares*, and the other by Labeo, a noted jurisconsult.[2] What differences there were between these two schools as to their advocacy of principles of law is not disclosed by the legal writings of that or subsequent periods, though the schools continued long after the death of their founders. But their rivalry doubtless was a stimulating influence to the study of the law and contributed largely to its development as a science.

The system thus established continued practically unchanged until the time of Hadrian when provisions were adopted as to the decision by the *Judex*, where there were conflicting opinions from the jurisconsults.[3] By the same Emperor, the

[1] *Encyclopædia Britannica*, article on Roman Law.

[2] Neither of these schools took their name from the founders, but from their successors, Sabinus and Proculus, one being known as the Sabinians, the other, the Proculians.

[3] The provision was that if the opinions of the Jurisconsults consulted agreed, they were binding, but if they disagreed,

practice of yearly edicts of the different prætors was abolished and a formal edict, *edicta perpetua* was issued with official sanction as to the rules and principles to be followed by the prætors in the decision of cases.

With the changes made by Hadrian, the system established by Augustus continued down to the time of Diocletian when Imperial decrees became the binding authority throughout the Empire and with the opinions of learned legal writers superseded the responses of the jurisconsults, as the fountain source of Roman law.[1] Under the later emperors, the use of a citizen as a *Judex* was dispensed with and the prætor decided the case as the representative of the Emperor, though he usually referred the case for hearing to an officer attached to his court, as a Federal Judge in this country would refer a case to a Master in Chancery. Thus, with the clarifying influence of the various codifications which will be later referred to and the writings of able jurists and teachers, Roman law grew into that well-balanced system of

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which probably occurred infrequently, the *Judex* could accept whichever he liked best. The decree of Hadrian also confined the binding effect of the *Responses* to the living Jurisconsults.

[1] There is some confusion in the authorities as to whether the jurisconsults continued to officially advise in the decision of cases down to the time of Diocletian or whether this practice was discontinued under Alexander Severus. But the better opinion is that up to the latter part of the 3rd century Roman law continued to be judge-made law and thereafter consisted of Imperial decrees.

jurisprudence which has won the admiration of jurists and historians.[1]

In addition to these important reforms, laws were passed under Augustus granting the right of appeal. In civil cases an appeal was granted from the decision of the *Judex* to the prætor and in time a further appeal was provided from the Prætor to the *Præfectus Urbus*, the prefect of the city. In criminal cases the appeal was to the senate or the Emperor. Augustus also greatly enlarged the list of criminal offenses, denouncing as crimes most of the acts that are made criminal by modern legislation.[2] Sir Henry Maine says in his work on *Ancient Law*, "The statutes of Sulla and Augustus were the foundation of the penal jurisprudence of the Empire." And continuing, he adds:

I have dwelt on the history and characteristics of the Roman *Quæstiones* because the formation of a

[1] The nature of a trial with the one learned in the law as an adviser, instead of the judge, is presented in Shakespeare's play, *The Merchant of Venice*. The Duke of Venice, who hears the case of Shylock vs. Bassanio, is not learned in the law and sends for the "learned doctor," that is the juristic doctor, Bellario, to advise him. Bellario, being ill, sends Portia in his stead, who advises as to the law, which the Duke applies to the satisfaction and approval of the countless thousands who have read and heard the play.

[2] It is interesting to note that among the other acts denounced as criminal were combinations in restraint of trade and competition. The occasion of this law was the successful effort of the grain importers to corner the grain supply which resulted in such dissatisfaction at Rome that Augustus took over the management of that important branch of the public service.

criminal jurisprudence is nowhere else so instructively exemplified. The last *Quæstiones* were added by the Emperor Augustus and from that time the Romans may be said to have had a tolerably complete criminal law. (Page 380.)

Augustus also secured the enactment of a law regulating procedure which, though it has not been preserved, must, from references to it, have been extensive in its scope and provisions.[1]

The temptation is very strong to a lawyer to go into further details in the description of the conduct of litigation in the Roman courts and to contrast their judicial system with our own. But at the risk of omitting much that may impress others as important, this temptation must be resisted. With these changes and the improved condition of public affairs, there was a better administration of justice in civil cases and the conviction of the guilty and the protection of the innocent were made more certain.

Though Augustus does not tell us much concerning these legal reforms or as to their effect and though history is barren of interesting details, we have frequent reference in the literature of the time to the better protection and security of life and property from the improved administration of justice and enforcement of the law.[2]

[1] *Encyclopædia Britannica*, article on Roman Law.

[2] Horace, the reliable chronicler of public affairs, in attractive verse says: "Custom and law have stamped out the taint of sin; . . . while vengeance follows close on guilt."

Velleius Paterculus, the historian who wrote in the reign of

We can perhaps get a better idea of Roman law and procedure by referring briefly to one of the best known cases of all history, that of the Apostle Paul before King Agrippa. The facts of this case are, or at least ought to be, so well known that no extended statement of them will be needed here. The accuracy of the biblical account of the procedure and practice in this trial may perhaps be open to question, but what is of importance is that it proves to us that the rights and liberties of the humblest citizens were safeguarded under Roman law. In the stirring language of Scripture we get an impressive picture of the power and dignity of Roman citizenship. *Civis Romanus Sum* was not only the proudest boast of the ancient world,[1] but it was an assertion of a fact which insured respect and fair treatment from all. Saul of Tarsus, or Paul, which was his Roman name, was, as he describes himself: "A man which am a Jew of Tarsus, a city of Cilicia, and a citizen of no mean city."

Tiberius, says: "Justice, equity and industry, which had long lain buried in neglect, have been revived in the state; authority has been given to the magistrates, majesty to the senate, and solemnity to the courts of justice. . . . The provinces have been secured from the oppression of their governors; honor promptly rewards the deserving and the punishment of the guilty, if slow, is certain."

[1] Professor Seeley, in his Essay on Roman Imperialism says: "Mr. Finlay tells us that even up until the 18th Century the Greeks were disregardful of their own national heroes but proud of the fact that they were legitimate representatives of the Roman Empire. (P. 943. See also Vol. i., p. 565, Wells' *Outline of History*.)

Paul had formerly been of the Jewish faith and had learned the "law and the prophets" at the feet of Gamaliel at Jerusalem; but at the time of his arrest he was a Christian, having been converted by a vision in which Christ appeared to him while he was going to Damascus. On account of doctrinal differences relating to the "resurrection of the dead," he was set upon by the Jews when he went into the Temple to pray and only the protection of a company of Roman soldiers saved him from death.

The captain in command, puzzled as to the cause of the uproar and attempted violence, gave orders that Paul should be bound preliminary to scourging and then examined as to the cause of the controversy.[1] Then Paul said to the centurion, with a feeling of dignity and consciousness of power that still speaks from the record he has left for us: "Is it lawful for you to scourge a man that is a Roman, and uncondemned?" And the scriptural account continues, "When the centurion heard that, he went and told the chief captain, saying, 'Take heed what thou doest; for this man

[1] One of the objectionable practices of the Roman law was that of torture to compel a witness to tell what he knew. This practice was, however, confined to slaves as is evident from the biblical account of the prosecution of Paul and other records. Torture was resorted to in the early periods of the English criminal law and the rule of evidence against self-incrimination was established by English lawyers and judges as a protest against torture. This rule brought about the discontinuance in time of torture as it became useless if the testimony thus secured was inadmissible as evidence.

is a Roman.' Then the chief captain came, and said unto him, 'Tell me, art thou a Roman?' He said, 'Yea.' And the chief captain answered, 'With a great sum obtained I this freedom.' And Paul said, 'But I was free born.' Then straightway they departed from him which should have examined him; and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him. On the morrow, because he would have known the certainty wherefore he was accused of the Jews, he loosed him from his bands, and commanded the chief priests and all their council to appear, and brought Paul down, and set him before them." (Acts xxii, 25–30.)

The Scripture then tells how the chief captain, after hearing the statement from Paul, sent him to Felix, the Governor of Judea, at Cæsarea, with a letter explaining the circumstances of the case and how, when Felix learned that Paul was from the province of Cilicia, he said, "I will hear thee when thine accusers are also come." And he commanded him to be kept in "Herod's judgment hall." After five days, the Scripture recites, Ananias, with the elders "and a certain orator named Tertullus," appeared and preferred charges against Paul, asserting that he

> was a pestilent fellow, and a mover of sedition among all the Jews throughout the world, and a ring-leader of the sect of the Nazarenes; who also hath gone about to profane the temple, whom we took and would have judged according to our law.

Paul, in his answer, begins by expressing satisfaction with the court, "For as much as I know that thou hast been of many years a judge unto this nation, I do the more cheerfully answer for myself," asserting that it was solely for his views touching "the resurrection of the dead I am called in question by you this day." It is evident that Felix was not much impressed with the seriousness of the charge against Paul. Perhaps the fact that Felix's wife, Drusilla, was a Jewess and probably in sympathy with Paul inclined him favorably towards Paul. At all events, he released Paul, to use a modern legal expression, "on his own recognizance"; and thus Paul continued, according to his statement, for two years.

When Porcius Festus succeeded Felix, Paul's enemies among the Jews renewed the charge and tried to induce Festus to have Paul brought to Jerusalem for trial, intending to kill him on the way. When this request was communicated to Paul he was alarmed over the danger of being taken to Jerusalem for judgment and said, "I stand at Cæsar's judgment seat, where I ought to be judged. . . . I appeal unto Cæsar." Then Festus, when he had conferred with the council, answered, "Hast thou appealed unto Cæsar, unto Cæsar thou shalt go." But in a few days King Agrippa came to Cæsarea and Festus explained to him the case and his reply to the Jews saying: "To them I answered, 'it is not the manner of the Romans to deliver any man to die before that he

which is accused have the accusers face to face and have license to answer for himself concerning the crime laid against him.'" (Acts xxv, 16.)[1]

Then, in order that Festus might better know what statement of charges to transmit with Paul "to Cæsar's judgment seat" and because Agrippa had expressed a desire to see and hear Paul, he was brought before them and there delivered that great speech which is so well known to the Christian world and which almost persuaded Agrippa to be Christian.

How Paul was conveyed to Rome in the charge of a centurion, how he was treated with respect on the voyage and of his subsequent fortunes after his arrival there, it is unnecessary to tell to enforce the real importance of this incident. The tradition is that after living and preaching the gospel at Rome for two years Paul was brought to trial and acquitted, was rearrested, tried a second time, con-

[1] This statement of the fundamental principles as to the rights of one charged with crime finds expression in our national and state constitutions and in the English law. It is the contention of some legal writers that the doctrine of the "presumption of innocence and the necessity of conviction beyond a reasonable doubt," as a principle of English law, was borrowed from the Roman law and is not an inheritance from our Anglo-Saxon ancestors. This principle was first given formal expression by the Emperor Trajan, who asserted that it was better that the guilty should escape than that the innocent should be punished. And also in the Corpus Juris Civilis it is asserted that "guilt must be proven by proper witnesses or by conclusive documents or by circumstantial evidence which amounts to indubitable proof and is clearer than day." (Code Justinian, 4, 22; i., 25. See U. S. vs. Coffin, 155 U. S., 432.)

Basilica Æmelia Restored

This restoration by Prof. Giuseppe Gatteschi of the Basilica Æmelia, which was located in the Forum, gives us a good idea of the importance of the administration of justice in Roman life. The finest public buildings with the Romans as with us were those devoted to religion and the administration of justice.

victed and executed in 65 A.D. But whether this tradition is true or false, we see, under the reign of the wild and dissolute Emperor Nero, Roman law so enforced and respected throughout the Empire as to accord due "process of law" to this Cilician Jew without money and without influence, who was able to claim the rights of a Roman citizen.[1]

What occurred in this prosecution as a result of Paul's assertion of his rights of citizenship, could and doubtless did happen frequently throughout the Empire. While Roman policy favored the maintenance of a large degree of local autonomy and administration of existing law, no one could be condemned to death under such law without the sanction of Roman authority. From what we know from Cicero and other authorities of the

[1] Paul became involved in another controversy which emphasized the respect for Roman law throughout the Empire. In fact, Paul, in his preaching of the gospel, which disturbed the established social, religious and economic conditions of the times, seems to have been something like an American politician of whom it was said that "his very presence was a breach of the peace." When Paul preached at Ephesus the silversmiths, alarmed at the probable effect upon their business of making and selling silver statues of Diana, of Paul's assertion that "there be no gods which are made with hands," got up a meeting to see what could be done about it and a disturbance followed. But the town clerk appeared before the meeting and wisely counseled them that if they "have a matter against any man, the *law is open and there are deputies;* let them implead one another. But if ye inquire anything concerning other matters, it shall be determined in a lawful assembly for we are in danger to be called in question for this dangerous uproar, there being no cause whereby we may give an account of this concourse. And when he had thus spoken he dismissed the assembly." (Acts xix.)

superiority of Roman law over the legal systems of any subject nations, we can see how and why it was that the privileges of the Roman law were eagerly sought, for its justice, clearness and precision made it attractive to the alien populations living under Roman rule. Particularly was this true in the newer or western portions of the Empire, in Gaul, Spain and the Danube provinces.

With real statesmanship, Rome made the granting of the "Latin right," the right to the privileges of Roman law, dependent upon the ability of the people of a community to speak the Latin tongue. And so great was the desire for the Latin Right that the Latin language soon became the common language and Roman law the common law of western Europe. The Empire was thus bound together by the ties arising from the same language and the same system of jurisprudence. The amalgamating power of these two influences contributed greatly to the strengthening of the feeling of national solidarity and the welding of the divergent parts of the Empire into a single state with Rome as its capital.

In 212 A.D. when Caracalla made all freemen within the Empire Roman citizens, then did this bond of a common law become more general and effective. One writ and one code ran throughout the Western World. Distinctions between the Prætors' courts were abolished as were the distinctions between the civil law, the Jus Civile and the law of nations or the Jus Gentium.

The temptation again is strong to trace the development of Roman law down to the time of Justinian. But the records as to the various changes are by no means clear and the subject is too technical to be pursued in detail here. The outstanding features are the influence of legal writers and teachers, the growth of the judicial and legislative power of the emperors and the attempts at codification. Hadrian, in the codification of the Prætors' edicts and the other important changes that he made, had the able assistance of Salvius Julianus, and in the age of the Antonines, another jurist, whose first name alone, that of Gaius, is known to us, wrote his *Institutes of Roman Law* which ushered in the "classical age of Roman jurisprudence." The commentaries of Gaius were to Roman law what Blackstone's have been to ours, and constituted the foundation of subsequent discussions of fundamental legal principles. Among the other distinguished jurists and legal writers of the period are Ulpian, Paulus, Papinian and Modestinus, and the law school at Berytus in Phœnicia, with which many of these jurists were connected, exerted an influence in the shaping and development of public and private law that has never been equaled by other academic instruction. Something of the same authority was given to the statements of legal writers as had been given by Augustus to the opinions of the jurisconsults.[1]

[1] Constantine gave official sanction to the writings of Papinian and Paulus, making them "quotable authorities," while Theo-

With the growth of the power of the Emperor, there also developed an extension of his jurisdiction over criminal prosecutions. Not that the Emperors at first abolished the *Quæstiones* or deprived the senate of all its criminal jurisdiction, but gradually the prosecution and punishment of crime was transferred to officials appointed by the Emperor[1] until finally he came to be regarded as the fountain source of justice, as he was the symbol of Imperial power. This theory continued throughout the Middle Ages and finds expression in the monarchies of modern times.

The most important and the best known of the ante-Justinian codifications is the Code of Theodosius in 429 A.D. Theodosius stated that codification was made necessary by the multitude of books, the numerous opinions of the jurisconsults and the great mass of statutes that were beyond the power of any mortal to master.[2] A century later Jus-

dosius II and Valentinian III decreed that the majority opinion of the legal writers should control, but if evenly divided, the opinion of Papinian would control.

[1] One of the officials who exercised judicial authority under the Emperor was the *Prætorian Præfect* and with both civil and criminal jurisdiction he came in time to be an important and powerful magistrate. Another important part of the judicial authority of the Emperor was exercised with the aid of the "Imperial council." (composed of able jurists and senators chosen by the Emperor) which advised him in the performance of his official duties. In time the appeals in criminal cases that came to the Emperor were referred to and decided by this council. (Maine's *Ancient Law*, p. 382.)

[2] What Theodosius had to say 1500 years ago could with equal force be said today.

tinian attempted and accomplished what Theodosius had planned but failed to fully carry out. With the assistance of a commission of ten lawyers, including Theophilus, a professor of law at Constantinople, and Tribonian, the whole field of Roman law was surveyed in an effort so to codify and summarize its different parts that they would be easily comprehensible "by mortal man." The work was divided into three parts, the Code, which was a codification of the laws from the days of Hadrian to those of Justinian; the Digest or Pandects, a summary or digest of the official opinions of the jurisconsults, the unwritten or court-made law of the Empire; and the Institutes, which, along the lines of Gaius' great work, discussed and elucidated the fundamental principles of the Roman law. The whole work is known as the Corpus Juris or the Corpus Juris Civilis. It has been preserved practically complete and its value to the world is to be measured by the value of the civilizations it has served and helped to maintain. It is the most important because it is the most useful contribution to the jurisprudence of the world.

While it continued as the law of the Eastern Empire, its application and usefulness were interfered with in Western Europe through the fall of the Western Empire and the creation of various Barbarian states. In these Barbarian states, codes based on the laws of Rome modified by native customs and ideas held temporary sway. But in

the preliminary revival of learning in the eleventh and twelfth centuries, Roman law, as expressed in the Corpus Juris Civilis, was made the basis of legal instruction in schools of law in Italy and notably at Bologna, which became the fountain source of juristic learning for Western Europe for several centuries. During the period of the renaissance of learning, the Roman law was made a course of study in the various continental universities and at Oxford, where it was taught as early as the twelfth century in the reign of King Stephen, and instruction in it continued there to the latter part of the sixteenth century.[1]

Again must the temptation be resisted to follow, as a lawyer would like to follow, the influence of Roman law, as preserved for us in the great work of Justinian, upon the legal systems of the civilized world and particularly upon English law. It became the very foundation of the legal codes of all the nations of Western Europe, including Russia, and in their various colonies and depen-

[1] Instruction in Roman Law at Oxford was not re-established until the middle of the 18th century and in 1879 James Bryce was appointed lecturer in that subject. The common law of England was not taught in law schools but in Inns of court under the control of associations of lawyers in London. This tended to maintain a division between the common law and the civil law in England and to create a prejudice against the latter. For a number of years the Roman law has been included in the course of study prescribed for the Inns of court and is rapidly finding a place of prominence in the course of study in the leading American law schools.

dencies throughout the world.[1] It gave to International law the principles upon which it has been developed, as it gave to legal writers such as Grotius, and Huber, the inspiration and guidance for valuable contributions to juristic literature. It gave to English law the basis of her law merchant, admiralty law, law of domestic relations, the theory of corporate existence and her equity system.

The early writers and expounders of the common law borrowed largely and oftentimes completely in their commentaries, from the Roman law in stating the controlling principles of their own

[1] "Roman law, more or less modified by national or local customs, prevails today in all of the European countries which form a part either of the ancient or of the mediæval Roman Empire—that is to say, in Italy, in Greece, the rest of southern Europe, in Spain, Portugal, Switzerland, Germany, in the Germanic and Slavonic parts of Austria-Hungary, Belgium, Holland. . . . . The leading principles of Roman jurisprudence prevail in Denmark, Norway, Sweden, Russia and Hungary." It also obtains in "Louisiana, the Canadian province of Quebec, Ceylon, British Guiana, South Africa, German Africa and French Africa, together with the regions which formerly obeyed Spain or Portugal, including Mexico, Central America, South America and the Philippine Islands. Add to these, the Dutch and French East Indies and Siberia. There is also Scotland which built up its law out of the Roman civil law and to some slight extent Roman Common Law." (Viscount James Bryce, Regius Lecturer on Roman Law, Oxford University.) With the exception of those countries governed by the law of Islam, Roman and English law govern the world and of the two, Roman law is the law of the larger portion of the world's population. The civil law is also the basis of the laws of Japan through the adoption by that Government of much of the Code Napoleon as its municipal law and such codification as has been made in China follows the civil law.

system of jurisprudence.[1] But religious and political differences helped to minimize and obscure the contributions of Roman law to English law, though there is not a branch of its extended system with the exception of the law of real property that does not plainly tell of the debt of gratitude that the English speaking peoples owe to the men who founded and developed Roman law.

The acknowledgments from distinguished European, English and American jurists of the debt that the world owes to the Roman law could be expanded into a volume. Only a few can be given here.

Professor Sohm, one of the ablest of the commentators upon Roman Law says:

> It was in the Corpus Juris that Roman law stood forth in all its splendor and world subduing power. The Corpus Juris of Justinian has preserved and rescued for all future ages the great masterpieces of Roman jurisprudence. No matter whether the Roman state perished or not, Roman law was strong enough to survive the Roman Empire.

Chief Justice Tindal, one of the great English judges, refers to it as the "fruit of the researches

[1] Bracton, in his commentaries, borrowed to a large extent from the Roman law; a large part in fact being copied literally from the Corpus Juris. Glanville, another early writer shows great familiarity with the principles of the Roman law, and it was not until Coke and Blackstone asserted the freedom of the common law from Roman law influences that that theory seems to have been accepted without much investigation as to its correctness.

of the most learned men, the collective wisdom of the ages and the ground work of the municipal law of most of the countries in Europe."

James Bryce, who as Regius professor of civil law at Oxford, has done so much to revive the interest of the English speaking world in this system of jurisprudence, says that the men who established and developed Roman law imparted to it "as it left their hands, a spirit of honor, good faith and equitable fairness which modern systems have never surpassed and which in some respects is higher than that of our own English law." Justice Kent, whose commentaries upon the English law have a place along with those of the great Blackstone, uttered an eloquent tribute to the Roman law when he said: "The grand destinies of Rome are not yet accomplished; she reigns throughout the world by her reason after having ceased to reign by her authority." In a recent address, Roscoe Pound, the Dean of America's leading school of law, said: "The last of the Cæsars has fallen but the thought of the jurisconsults of the days of the first Cæsar is law in half of the world."

Roman law today rules the lives and regulates the conduct of more people than Rome ruled in the zenith of her power.

With this incomplete and therefore unsatisfactory discussion of Roman law, I have completed my consideration of the various reforms accomplished by Augustus. It is difficult accurately to

assess their relative value and importance. Civilization then, as now, was a vast co-operative enterprise, and its proper functioning was the result of different constructive and sustaining influences operating under capable official direction to a common end. When Augustus appeared upon the stage of world affairs, peace was a necessity if civilization was to endure. Peace could be preserved only by establishing a sense of good faith through fair dealing with other nations and with prosperity and happiness within the Empire. But something more than material prosperity was needed to insure the continuance of the era of peace and plenty which began with the rule of Augustus. Then, as now, the world needed a moral, spiritual and religious regeneration and a dedication to high ideals of service.

But something even more was needed if Rome was to continue along the highway of world usefulness and power; and that was a system of just law, definite but capable of growth and so honestly and efficiently administered that men might work and live in confidence that they would be protected in their lives, their persons and the fruits of their industry. When it could be truly said that a system of law had been established before which all men were equal, "the very least as feeling her care and the greatest as not exempted from her power," then there came into the world something greater and more important than had ever been known before; then there came into the world something

of greater value than all the literary, artistic, philosophic and scientific achievements of prior civilizations. For there had been established the basis of all enduring human institutions, and the most effective of those influences which make for the adjustment of differences between men and between nations.

"Law, in its highest and broadest sense, is the instrument of justice; the handmaid of order; the guarantor of individual right; the arbiter of dispute and the reconciler of differences; it is the cement which binds together the fabric of human institutions.[1]"

It is the best hope in the world today for saving humanity from the awful destruction and horrors of war.

At a time when the fate of European civilization is still uncertain; when the need of a lasting world peace based on international justice and fair dealing is more imperative than ever before, we can hardly overestimate the value and necessity of law or our debt of gratitude to Rome for this, her greatest gift to the world.

[1] Sir John Simon, Address before the American Bar Association, Cincinnati, August, 1921.

CHAPTER VIII

AUGUSTUS, HIS FAMILY AND HIS FRIENDS

TO the reader who has followed these pages thus far, there has probably come some curiosity to know more of the life and personality of the man who was the leader in this great period of reconstruction and reformation. The same feeling would naturally arise concerning his family and those intimately associated with him in the work of government. The world has always been interested in the personality of its rulers. And yet the world has frequently failed to understand them because the habit has usually been to regard them as belonging to a different order of creation, as endowed with qualities and abilities unlike those of the rest of mankind. That feeling and tendency still exists in the democracy of the twentieth century. Though we have gotten away from the divine right of kings, yet, where monarchs remain, "there's such divinity that doth hedge a king"; and in our own country we associate with the official the greatness of his office.

Grover Cleveland, when congratulated on the very able cabinet he had selected, remarked that he could find its equal in almost any county seat town

in the country. Abraham Lincoln made a similar statement as to selecting a cabinet from any regiment in the Union Army. The failure of the historians and biographers to make Augustus an understandable and consistent character and a man of flesh and blood is largely due to the effort to see something remarkable and mysterious in his acts or words, where there is only that which is simple and expected. There has been a persistent policy of misconstruing his intentions and of placing far-fetched and unnatural constructions upon his words and deeds.

For instance, when in 23 B.C. he expected to die, he gave his signet ring, with which Mæcenas had ruled Rome in his absence, to Agrippa, plainly indicating that he regarded his old-time friend as best qualified to take his place. This act has been regarded as one of "cruel duplicity," as creating an enigma in harmony with his sphinx-like character; and his use of the figure of a sphinx as his seal is offered as conclusive proof of the charge. The critics simply fail to accept his intentions as indicated by his act. While he felt it inconsistent and wrong to try formally to name a successor, he gave to the man whose character and ability he so well knew the emblem of his authority as an expression of his confidence in him. And again when the following year the insistence of the people compelled the senate to offer him the dictatorship, it is asserted that while he refused it, he really wanted to have it. If he wanted it, why did he not

take it? Men's actions are usually simple and direct and they usually say what they think and feel. A Machiavelli or a Talleyrand may pursue the opposite course and use words to conceal thought, but they are the exceptions that prove the rule.

Notwithstanding the simple and direct course of Augustus' life, it is difficult to write of him without the use of too many superlatives when we consider the magnitude and importance of his achievements. Further, his personality must have been both a forceful and an attractive one. Those who, like Mommsen, glorify the greatness and astuteness of Julius Cæsar and disparage Augustus must remember that Julius Cæsar was so attracted to Augustus that he made him his chief heir in preference to his other two great-nephews, Pedius and Pinarius, both of whom were able and older men. Further, he selected Augustus at the age of fourteen years to deliver the funeral oration over his sister, Julia, and gave him a place of honor next to his own in the triumphs which he celebrated for Pharsalus and Thapsus.

When Augustus was dangerously ill in 46 B.C., Julius Cæsar insisted that the physicians should not leave his bedside and when fortunately he recovered and showed his courage by joining his uncle in Spain, in the face of serious difficulties and dangers, Julius Cæsar was so pleased with his conduct that he planned to make him master of the horse, a position equal to that held by the experienced soldier, Mark Antony. And as the time of the invasion of Parthia approached,

Cæsar proposed that Augustus be made vice-dictator, though he was only eighteen years of age and had not as yet held the office of quæstor. As these marks of preference and distinction seem to have had the general approval of the people, we must conclude that he was a young man of great promise and attractiveness. This latter quality is emphasized by the fact that as a member of one of the priesthoods he had to conduct the sacrifices early in the morning to escape the presence and admiring glances of the crowds, and particularly of the women, who gathered in large numbers to see him. From this incident we can conclude that while he was conscious of his attractiveness, he was neither vain nor did he seek to exploit it.

Another quality that he possessed from early youth and retained throughout his long life was the ability to make friends and to keep them. This is unusual in great men or rather with men in possession of great power. Wells says that Napoleon had no friends; and Alexander and Julius Cæsar seem to have been equally unfortunate. Augustus' first official act, or rather his first act directed to the influence of official affairs, was to intercede with his uncle in behalf of the brother of Agrippa, who had had the bad luck to choose the wrong side in the war with Pompey. Whether or not this was the beginning of this most fortunate friendship, we do not know, but Agrippa accompanied him to Spain and was with him in Apollonia when news came of Cæsar's assassination; and their friendship

continued unimpaired until, as joint ruler of the Roman world, Agrippa died at the age of fifty. How and when his friendship with Mæcenas began we likewise do not know, but he too was with Augustus in Apollonia, and their friendship, once established, continued throughout life.[1]

To assert that Augustus could not have succeeded without the faithful and continued help of Mæcenas and Agrippa is simply to express an opinion. But it is difficult to understand how he could have done his work without them. Agrippa was one year his junior and Mæcenas a few years older. Their talents lay along different lines. Agrippa was a man of decision, forcefulness and action. In the statues of him which have been preserved, we see much the same sort of countenance as was found in the United States Senate and in the Supreme Court of the United States a generation ago—a strong, vigorous, self-confident and kindly face which showed a mind that felt itself equal to its responsibilities. Before he was twenty-one years of age he had showed his ability as a general in the Perusian campaign, and at the age of twenty-six he had won renown as both a general and an admiral. Historians give to him the chief credit for the victories over Sextus Pompey and over Antony at Actium. How much of

[1] Mæcenas' full name was Caius Cillinius Mæcenas. There is some conflict among the authorities as to whether he was with Augustus in Apollonia at the time of Cæsar's death, but there is no question as to the effective service he rendered Augustus during the early part of the latter's career.

this is due to the policy of disparaging Augustus is hard to say, but that Agrippa was a most efficient general and admiral is clearly proven. As a civil administrator he was equally efficient, and Augustus relied on him in civil affairs as confidently and extensively as in time of war.

Agrippa, though of a senatorial family, was by no means distinguished until his achievements made him so. He then married the greatest heiress in Rome, Pomponia, the daughter of Atticus, who bore him one daughter, Agrippina, who became the wife of Tiberius and inspired his strong devotion. Agrippa divorced Pomponia for dynastic reasons and married Marcella, daughter of Octavia and niece of Augustus. On the death of Marcellus, who was married to Julia, Agrippa divorced Marcella at the suggestion of Octavia in order that he might become the husband of Julia. The desire of Augustus and Octavia that there should be, through Agrippa, a male member of the Julian family to succeed Augustus, was manifestly a strong one. The disappointment of this ambition resulted from a series of deaths in which fate seemed to have decreed to the contrary. Augustus unquestionably desired that Agrippa should be his successor, or if Agrippa should die first that he should furnish a son who would succeed him. In this alone of all the many calls that Augustus made upon Agrippa did he disappoint expectations.

When Agrippa died in 12 B.C., after thirty-two

years of uninterrupted public service, Augustus accompanied his body to Rome, delivered the funeral oration and placed his ashes in the mausoleum which he had constructed for himself and his family. Agrippa left important work unfinished and while others might carry on his work of fighting battles and building temples and aqueducts, no one seemed available to complete the encyclopedia of the Empire, including an accurate map of its wide domain, in which he was engaged at the time of his death. The material collected was doubtless used by Augustus in the preparation of his memoirs and by subsequent historians. It is a tribute to both Augustus and Agrippa that their friendship was never interrupted and that without friction or jealousy they worked in effective harmony in the great work of empire building. This fact emphasizes the extent to which the idea of service, the feeling that Rome had a great civilizing mission to perform, filled the minds of these men and controlled their thoughts and actions.

Mæcenas was of a different type; he was the negotiator, the harmonizer, the financier. He came of an old Etruscan family but he was a man of business and never desired to rise above the rank of knight. In the trying days incident to Augustus' rise to power, he often had to assume responsibility and to act with vigor and authority and he never disappointed expectations. When Augustus was absent in Egypt in 30 B.C., Mæcenas

suppressed an attempted conspiracy by the son of Marcus Lepidus and sent him for judgment to Augustus, who promptly ordered his execution. There was much assistance, doubtless, that Mæcenas rendered Augustus, particularly along financial lines, of which we do not know. For he was, in a way, Augustus' Secretary of the Treasury, as well as Secretary of State. But he never would consent to hold official position or even to become a senator, and in 16 B.C., ill health compelled him to sever his unofficial connection with public life. He lived a life of retirement, ease and luxury in a beautiful home and though his houses and his entertainments may have violated the Julian laws, no one was ungenerous enough to suggest that "Cæsar's friend" should be denied his indulgences.

Though his services were varied and valuable, posterity remembers particularly his work in encouraging and inspiring the poets and writers of the Augustan age to add to its literary brilliancy, as Augustus and the men of affairs were adding to its prosperity and welfare. To him is also given the credit of directing the negotiations that resulted in the treaty of Brundisium in 40 B.C. and of Tarentum in 37 B.C. between Augustus and Antony; and through the period of development and experience which Augustus thus secured, the victory of Actium was made possible. As a match maker, Mæcenas does not seem to have been much of a success, though he was as busy along this line as he was in making treaties of peace. To

him is assigned the doubtful credit of arranging the marriage of Augustus and Scribonia and of Antony and Octavia. In his own matrimonial affairs he was also unfortunate, for he and his beautiful wife, Terentia quarreled and made up, as the gossip of the day recorded, a thousand times. The gossip of the day, so Suetonius records, also told of relations between Augustus and Terentia, but the unbroken friendship between him and Mæcenas refutes the correctness of such stories. When Mæcenas died four years later than Agrippa, he, like Agrippa, made Augustus his principal heir and at his funeral Augustus delivered the funeral oration.

Augustus formed no more friendships such as he had had with Agrippa and Mæcenas. A man past middle life seldom forms close new friendships. Until his death Augustus looked back to Agrippa and Mæcenas as friends who could not be replaced. When things would go wrong at Rome or in the Empire, or even in his family affairs, he would exclaim, "This would never have happened if Agrippa or Mæcenas had been alive." There is something fine and noble about close and lasting friendships, even with men in the ordinary walks of life. But when men subject to the strong temptations that great power offers to jealousy and selfishness maintain throughout life the close friendships of their youth, then do such relations seem even more worthy of commendation.

In his later years Augustus had associates rather

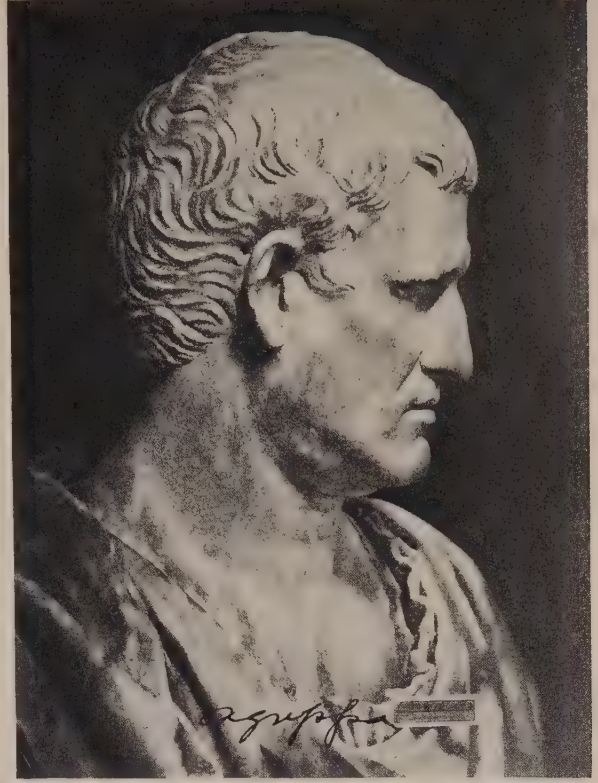
than friends, though many who had been his opponents during his youth became his devoted supporters and admirers later. Plancus, who had first sided with Brutus and Cassius and then with Antony proposed the title of Augustus by which he is known in history, and Messala, an ardent Republican who refused to hold the position of city prefect because he considered it incompatible with liberty, communicated to Augustus in an eloquent speech the desire of the senate and the Roman people that he should bear the title of "Father of his country." In his later years Augustus seemed to find in his grandsons and other youthful relatives a substitute for the friends of his youth. And the letters that Augustus wrote to these young men showed a fatherly affection and solicitude for their welfare that presents a human and attractive phase of his character.[1]

The curiosity of the reader may well extend to more intimate details of Augustus than those given of his associates and his acts. What was his appearance, how did he live, what were his recreations and methods of work and habits of thought? Was he a good man, measured by the standards of his own age and ours? These are questions that naturally come into one's mind concerning any great character of history.

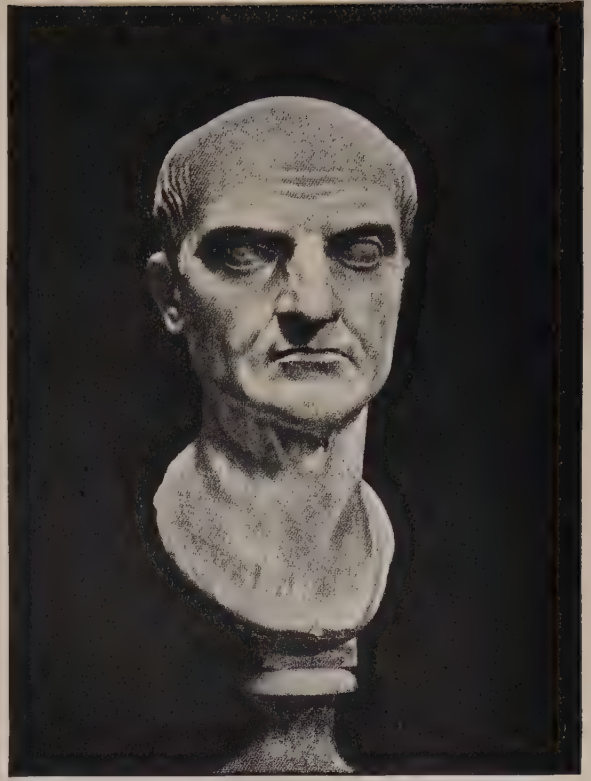
[1] That Augustus was devoted to children is manifest in his affection for his grandsons and particularly for Caius, son of Germanicus, who died as a child, whose statue Augustus had placed in his bed chamber.

We are told that he was of medium height, about five feet seven inches, but so well proportioned that he seemed taller; of medium complexion, as our modern expression is, though his hair was sandy. He was at all periods of his life a handsome man and he had at all times a calm dignity of bearing which commanded attention and respect.[1] As his statues indicate, his hair which was wavy, rather than curly, was usually in artistic disorder and came down on his forehead something like the hair of Elihu Root. His statues differ so much in appearance that some of them were evidently idealized, though the bust in the Vatican and the one in the Uffizi gallery, in his toga dressed as a senator, are doubtless photographic in their effort to produce his likeness. The latter gives us a countenance more modern in its appearance, notwithstanding the toga, than any others. His eyes seem to have been the most striking features of his countenance, though his nose was typically Roman and his eyebrows met, which was considered a mark of beauty and distinction according to Roman standards. There was a piercing, penetrating quality in his eyes that is not uncommon in eyes that are bluish gray and of their brilliancy he seems to have been rather vain. Of

[1] His expression was so calm and dignified that one of the leading men of the Gallic province admitted that it kept him from carrying out his intention of pushing the Emperor over a cliff when he had been allowed to approach him under a pretense of a conference when Augustus was crossing the Alps. (Suetonius, Aug. lxxix.)



Agrippa



Mæcenas

From our knowledge of Agrippa and Mæcenas we can well assume that the likenesses here presented of these two great lieutenants of Augustus present them to us with photographic exactness.

this vanity others knew and indulged him in it by remarks upon the piercing quality of his eyes.

The only other vanity in matters of appearance in which he indulged himself was thick-soled shoes to add to his height—an example that Louis XIV was to follow seventeen hundred years later and which has been indulged in by many less distinguished men. In matters of dress he was plain and unostentatious, wearing the conventional Roman toga of wool woven for him by his wife and daughter.

As a youth, when not ill, he indulged in athletic exercises and continued them until age and cares of state necessitated their discontinuance. He bore, until well along in middle life a burden of poor health that explains his attitude to public affairs, which without this explanation seems to have puzzled historians. Four different times his life was despaired of, in 46, in 42, in 25 and again in 23 B.C. In fact, it was reported that he had died in 42 after his return from Philippi and this report may explain the decision of Fulvia, the wife, and Lucius, the brother of Mark Antony, to try to take things into their own hands.

The nature of his constitutional weakness is not entirely clear. Suetonius refers to an affection of the liver, the bladder and the midriff or pleura as causes of his ill health and says that "when the wind was in the south he was troubled with catarrh." From this statement, most historians have concluded that his principal trouble was with

his liver. Ferrero inclines to the opinion that it was a pulmonary affection and the facts seem to support this diagnosis. At all events, his experience is proof of the wisdom of Oliver Wendell Holmes' advice on how to live a long life—"get an incurable disease and then take care of yourself." And take care of himself Augustus most assuredly did, though he gave himself, within the limits of his strength and endurance, to his public duties. He carefully guarded against the extremes of heat and cold, and his diet was so simple and limited that it would have met the entire approval of Cornaro. He drank wine in moderation and only at meals, and he resembled Colonel Roosevelt in another particular in that they were both fond of cucumbers. Like Clemenceau with his dish of macaroni at banquets, Augustus would have some simple dish of his own or eat before or after a dinner which he would attend for social rather than gastronomical purposes.

He was of what we would call a sociable disposition and in the early years of his reign he would go to the functions of friends as a private citizen. The large crowd that once sought to greet him at a wedding almost resulted in physical injury and after that experience he sent his congratulations by letter. He was also what we would call democratic in his habits and for a number of years he would go into the Forum to electioneer for the candidates he favored, but on account of the indifference of the people to their political duties

and their willingness to accept his judgment, he later communicated his choice as to candidates by printed slips and the people voted accordingly.[1] He was punctilious in his attention to details, and his own affairs and those of the Empire were always in order.

Like all Romans he took his bath before dinner, which came early in the afternoon, and following that a siesta. He slept at nights in the same room, summer and winter, and he always insisted on an abundance of fresh air. When the nights were warm, he had a fountain play in the room to cool the air. The simple furniture of this room was long preserved for public inspection as we preserve that of George Washington at Mt. Vernon. When wakeful, as he frequently was, for insomnia seems to have been an affliction common among leading Romans, he would have a slave read to him or tell him stories.

His recreations were apparently limited by his lack of robust health and by press of official duties, but he liked to gamble and in one of his letters he tells Tiberius of the result of a game of dice played with members of his family, of how much he won and how much more he would have won had he claimed all his winnings. These may seem small matters and unimportant details to record of one

[1] Augustus also appeared in the comitia and cast his vote with his tribe, as one of the people, just as the President of the United States goes to the polling place of his voting precinct to cast his vote as an American citizen.

who stood on the very pinnacle of world power. However, even for the great and those in high position, life largely consists of small affairs. The mere work of living, family cares and responsibilities, recreations, health or sickness—these are what largely fill the lives of high and low.

The tongue of scandal wagged against Augustus as it did against all the great men of Rome of this period, except Agrippa alone. Even Vespasian, the plain old soldier, who laughed at the courtier who sought to give him a genealogy from the gods, even he has had his alleged vices recorded by Suetonius, the master scandal monger of the age. How much truth there is in the stories Suetonius tells of Augustus is hard to say. That he had in his youth the immoralities of the period is probably true. But some of the stories Seutonius tells of Augustus are as improbable as the story he tells of Tiberius retiring to Capri when over seventy years of age and after a half century of hard and faithful service for the state, to spend the balance of his days in disgraceful orgies and unnatural vices. Suetonius tells us in one place that after Augustus' marriage to Livia "he loved and honored her exclusively to the end." And then he proceeds to record how Livia arranged assignations with other women whose society Augustus sought, more to discover political secrets than to gratify his passions. A good look at the noble, beautiful but forceful countenance of Livia ought to be sufficient to refute such scandals even if the ascetic

character of Augustus' life, together with his poor health, did not discredit them.

One unobjectionable habit that he has had to share with many of the great men of modern times was giving currency to striking expressions and useful sayings or adages gathered from the literature of the past. Both in public speeches and private conversations his language was free from affectation or mannerisms and he particularly enjoined upon his granddaughter, Agrippina, that she should "take great care not to write or talk affectedly." He criticized the "Asiatic style" of Mark Antony's oratory, which he said Antony used "rather to be admired than to be understood." Upon this issue, unfortunately, Antony has had more followers than Augustus among modern statesmen.

Augustus also had a sense of humor, the real test of which is to be found in one's ability to enjoy a joke upon one's self. Of him is told the story told of many a monarch since, of meeting a young man who bore to him a striking resemblance. When Augustus asked him if his mother had ever been in Rome, the young man replied in the negative but assured Augustus that his father had often been there. Augustus accepted the answer in good grace. When an old soldier asked him to appear for him in court, Augustus offered to have one of his friends represent the soldier. The latter said, "When you were in danger at Actium, Cæsar, I did not get a substitute, I

fought for you myself." Augustus consented to appear.[1]

Augustus was a patron of literature, education and culture. He received a good education under carefully chosen instructors and he was the moving influence in the literary revival which made the period the golden age of Roman literature. The fact that he constructed the second library in Rome has already been referred to, as well as his efforts to rekindle in the hearts of the Athenians a desire to keep Athens, his Alma Mater, a center of education and culture. His own literary productions were by no means inconsiderable, although none of them have been preserved. The history of his life in thirteen books would have been an invaluable record and, while it has been lost, much of the information found therein has gone into the writings of other authors.[2] He also wrote an exhortation to the study of philosophy and a reply to Brutus on the subject of Cato. He wrote some poetry, but he was not very serious about it. He essayed once to write a tragedy in the Greek fashion, called "Ajax," but when one of his friends asked, "How is Ajax getting on?" he

[1] Another incident shows his keen but kindly sense of humor. When some citizens from Tarraco, a city in Spain, told him that as an omen of his victorious career a palm had grown on a mound upon which was located an altar to him, he replied "That shows how often it is used."

[2] The younger Pliny states that his description of the condition of Italy during the reign of Augustus was largely taken from the latter's memoirs.

replied, "Ajax has fallen upon his own sponge"; in other words, Ajax had been wiped out.[1]

Though none of Augustus' own works has been preserved, his taste for literature and culture found expression in writings which posterity has preserved and enjoyed. Literature in the age of Augustus was an achievement entitled to rank with the other notable achievements of the period. And when we consider that literary Latin had just attained perfection, the literary productions of this period are as notable as are those of our own language in its period of development in the age of Elizabeth. Cicero had developed the "Roman period" in his essays and orations, and Virgil and Horace were to set the standards of polished and melodious verse. With the assistance of Mæcenas, Pollio, and Messala, there was organized what was called the "College of Poets." In addition to Horace and Virgil, there were Propertius, Tibullus, Varius one of the executors of Virgil's estate who helped to save and to finish the *Æneid*, Gallus whom Ovid particularly praised, Valgus whom Tibullus compared with Homer, Calidus, Rabirius, Cotta, and a number of others who are now known only to classical scholars. The writings of most of these have been lost, but enough has been preserved to show us what a wonderful literary revival it was that Augustus

[1] A strongly developed sense of humor must be conceded to anyone who can joke about the failure of a work, the publication of which was relied upon for fame, if not for fortune.

and his friends encouraged and inspired. There were no newspapers or magazines then like those of modern times and the writings of these poets were both literature and propaganda. And nobly did the writers aid in the work of reform and reconstruction, besides giving to the world some of the finest literature it has ever known.

The question as to the distinguishing characteristics of Augustus' mind is not hard to answer; caution and tenacity of purpose, with a cool, clear understanding were the mental qualities that enabled him to meet and master innumerable difficulties and dangers. He had what we may call a cool mind, and neither danger, success nor adulation disturbed its almost mechanical processes. He usually acted with caution and deliberation, though, as he proved when he rode unarmed into Lepidus' camp, he was capable of prompt decision and daring acts. His deliberately formed decision to accept his dangerous inheritance was followed by the necessary resolution to avenge his "father's" death; and that in turn was followed by the decision to restore peace and order to a disorganized world; and that in turn by a resolution so to reform government, industry, the administration of justice, morals and religion that war, want and civil strife would not again afflict the people. Each resolution, when formed, was persisted in until success was achieved.

Both the luck and the clemency of Augustus became proverbial. Luck is usually simply a

synonym for care, foresight and thoughtfulness, and yet there does seem to be in the lives of some men an element of kindly fortune or chance that brings to them success and happiness. Such a favoring auspice seems to have attended the life of Augustus. At least, the people thought so and he apparently shared in the belief.[1] The age was a superstitious one as is any age when the people are religious and unscientific. The Roman people were both of these and were always looking for signs and portents. When Augustus first entered Rome after the death of Julius Cæsar, it was said that there was a peculiar radiance to the sun and when he celebrated games in honor of his "father," a star was seen in the heavens. This he seized upon as a favorable omen and the star of the Julian family appears upon the coins and is referred to in the literature of the period. All through his life, both he and the people seem to have felt that he was a favorite of the gods.

Of his clemency it is difficult to speak with assurance. During his early years, when fighting his way to power, he did not hesitate to do that which seemed necessary to success. That he reveled in blood and took pleasure in execution is an assertion entirely lacking in proof. When victorious, he followed the example of Julius Cæsar and spared his enemies. And in times of

[1] When his grandson, Caius, was departing for the East he wished him, "the integrity of Pompey, the courage of Alexander and my own good fortune."

peace he often showed clemency where it seems he was taking dangerous chances in doing so.[1] But he knew how to punish and to be severe and when the facts warranted such action he usually did not hesitate. Some of the punishments inflicted seem cruel and extreme according to our standards, but we must remember that as late as the last century over two hundred offenses were punishable by death according to the law of England.

His home life was a model of simplicity and frugality with all the virtues that he wanted Roman homes to have. But the hand of fate seemed determined to take from him the members of his family, particularly of the Julian line. There were in fact two branches to his family; the Claudian, of which Livia was the head, and the Julian, of which Octavia and Julia were the fruitful members. He was eagerly anxious to have a male heir of the blood of the Cæsars to succeed him, and the marriage of Agrippa and Julia promised to realize Augustus' ambition, as five children were born, three sons and two daughters. But two of the sons, Caius and Lucius, whom Augustus adopted and dearly loved, died when just entering on their public careers,[1] and the remaining son, Agrippa Postumus, was so perverted in his mind and mor-

[1] He not only pardoned Cornelius Cinna, a young man who had plotted a conspiracy against his life, but afterwards supported him for consul.

[2] Augustus feelingly refers to them in the Monumentum Ancyranum as "My sons, the Cæsars, Lucius and Cassius whom fortune snatched from me in their youth."

als that he had to be banished to a distant island where he was executed after Augustus' death.

The death of Marcellus, famous for Virgil's beautiful lines concerning him, and that of Caius and Lucius Cæsar forced Augustus to turn to the Claudian line, to the children of Livia by her first marriage, for a successor. Historians record the bitter resentment with which Augustus was forced to this decision. But the facts do not support this theory. Though his first choice was for those of his own blood, he was devoted to Livia's sons, Tiberius and Drusus, as is clearly shown by his letters, and grateful to them for their effective service to him and to the Empire. For Drusus, a brilliant and attractive young man who was born and reared in Augustus' own household, he had, as did the people, an ardent affection.

Probably no death in the entire history of Rome, with the possible exception of that of Drusus' son, Germanicus, caused such general grief as did the death of this most promising and popular young man. He suffered a broken leg by the fall of his horse while with his legions in Germany and died from the injury. Tiberius hastened to his side but Drusus died before he arrived. At the head of the funeral procession Tiberius marched on foot to Rome and the road was lined with people from the Rhine to the Capital who wished to show their grief and sense of loss in the death of one who was in truth the "expectancy and rose" of the great Empire. Drusus had been married to

Antonia, the beautiful daughter of Mark Antony, who had been carefully reared by Octavia, and their marriage, which was a model one, had resulted in three children, one of whom became the Emperor Claudius. Another son, to whom was given the name of Germanicus in honor of his father's victories, married Agrippina, one of the daughters of Julia and Agrippa and from this union came as son and grandson the two emperors, Caligula and Nero. In the veins of these two vicious and unbalanced rulers flowed the blood of the Julii, the Claudii and of Mark Antony. The combination was clearly not a fortunate one.

In 12 B.C. following the death of Agrippa, Augustus had Tiberius divorce his wife, Agrippina, and marry the widowed Julia, in a further hope for sons of the Julian blood. This was a hard command for Tiberius to obey and it brought bitter disappointment to all concerned. Tiberius' voluntary exile to Rhodes, where he lived for seven years, has been misunderstood and misconstrued to support the theory that Augustus disliked him. Following the death of Agrippa, Augustus had turned to Tiberius as his chief lieutenant and so effectively did he fill the place that Augustus in 6 B.C. had Tiberius made joint ruler of the Empire. But hardly had this power been conferred when Tiberius retired to Rhodes, urging that he was tired and worn out in the public service, though he was only thirty-seven years of age. Augustus resented this abandonment for

what seemed to him insufficient reasons and it was not until he came to know, what every one else had known for years, the shameless adulteries of his daughter Julia, that he understood the consideration and nobility of Tiberius' conduct in leaving a situation that he could neither endure nor disclose. He then recalled Tiberius to Rome, adopted him as his son and restored him to his position of usefulness and power.

The bitter anguish and disappointment of the aged emperor in the conduct of his daughter was increased by the fact that Julius Antonius, the son of Mark Antony and Fulvia, whose life he had spared and who had been carefully raised by Octavia, was one of Julia's paramours. Antonius proceeded to kill himself when he received his order of banishment. There was thus brought to an inglorious close the short life of one who was in truth the son of his father. To the great grief of the Emperor, which he expressed in the words of Homer, "O, that I had never married and had died without a child," was added another blow in the discovery that his granddaughter, Julia, had followed the unworthy example of her mother. Upon her with her lovers also came her mother's punishment. At the same time the "incorrigibly immoral but inexpressibly graceful poet," Ovid, was banished to a distant point on the shores of the Euxine. The reasons for his banishment are almost as much of a mystery as that of "the man in the iron mask." The alleged reason was the

demoralizing influence of his writings. But his "Art of Loving," which was a detailed statement of the most effective methods of seduction, had been published seven years before. Whether Ovid was an accessory to the younger Julia's adulteries, or whether he was a party to a conspiracy claimed to have been in contemplation against Augustus, has been an interesting subject of speculation to which there seems to be no definite answer.

However alluring it may be to follow further the personal fortunes of the family of the Cæsars, enough has been told for the purposes of this work. Tragic as his family life was, the devotion of the people to Augustus seems to have been strengthened by his private misfortunes. The prosperity and welfare of the Empire was not injuriously affected by what occurred in the palace on the Palatine, for his private griefs did not impair Augustus' attention to affairs of state. With the assistance of Tiberius and Germanicus, success crowned the work of the legions in border wars and the administration of public affairs seemed in the old age of the Emperor to take on a renewed vigor. It has been given to but few rulers to enjoy in times of peace the happy realization of what they won by war. Nor has it often been the fortune of a ruler to enjoy unimpaired to the end of a long reign, the love and confidence of the people. Both of these privileges were the good fortune of Augustus. As he approached the end he could feel that never had the affairs of the Empire been

better conducted, never had the people been happier or more prosperous. "Never," as Ferrero says, with a racial pride that extends back over twenty centuries, "Never had the sun shone upon an Empire so vast, so powerful or so firm."

A few instances will tell better than pages of general statements the regard and devotion of the people to Augustus. Formal tributes to reigning monarchs or those in power in the ancient world are not of sufficient interest to justify repetition. For power always commands tributes. But it is not hard to distinguish between the genuine expression of a people's gratitude and the formal tributes of those influenced by fear or a lively sense of favors to come.

In 25 B.C. Augustus was taken sick with either typhus or typhoid fever and one day Rome was startled to learn that his life had been despaired of. Augustus expected to die and prepared for death by giving his signet ring to Agrippa and a statement of the affairs of the Empire to Piso, the other consul. After his doctors had exhausted their learning and their skill, Antonius Musa, an oriental freedman, asked that he be permitted to try the water treatment, which was probably nothing more than the modern method of reducing fever by cold applications. This request was granted and Augustus, to the great joy of the world, recovered. The people were not satisfied with the ordinary expressions of their satisfaction and joy. By a popular subscription a statue of

Antonius Musa was placed in the Forum by the side of Æsculapius, the father of medicine. But the matter did not end there. The public feeling of gratitude to Musa was so strong that the senate raised this freedman of a foreign country to the rank of a Roman knight and exempted all doctors from jury duties and the burdens of taxation. Musa was also given a donation by the senate. Unfortunately Musa's water treatment which was so good for Augustus failed the following year to save the life of Marcellus. But Antonius Musa and the physicians retained their privileges and their honors.

After Augustus' marriage to Livia they lived in a house on the Palatine, which had been given him by the people in 36 B.C. following the defeat of Sextus Pompey. This house had belonged to Hortensius, Cicero's rival and more than equal as an orator and advocate, but it was not distinguished for its size or magnificence. It burned down in 6 B.C. and though Augustus was amply able to build the finest house in Rome, the people asked permission to give him a new one. The response to the suggestion promised to produce such an immense sum of money that Augustus limited the amount of each subscription to one denarius, about twenty cents in our money. But even with this limitation, a sum was raised which more than provided for the cost of a magnificent new home. The people usually give such gifts in the enthusiasm of a great occasion to one who has

won a battle or done acts of heroism or daring. They are given to statesmen only when the unquestioned value of their service warrants them.

One more incident, connected with the last days of his life, will show the feeling of the people to their aged ruler. In the summer of 14 A.D. Augustus went on a trip to Naples for the double purpose of accompanying Tiberius on his way to Brundisium where he was to sail for Illyria and of witnessing the Quincentennial Grecian games at Naples given in his own honor. On the way Augustus was taken ill with an attack of dysentery, but he persisted in his journey. His boat arrived in the harbor of Naples at the same time as a boat from Alexandria. Learning of his presence, the sailors and passengers of the Alexandrian boat clothed themselves in white and with garlands of flowers went to Augustus to give to him this tribute of their affection and regard which has been preserved for us in the interesting pages of Suetonius: "Through you we live, through you we sail the seas, and through you we enjoy our liberties and our fortunes." Augustus received with pleasure their greeting and distributed money among his visitors which he requested should be spent only for Alexandrian goods. This limitation as to the use of the gift shows that the passengers must have been Alexandrians and it also shows that Augustus was a good politician. Such a spontaneous expression of feeling as occurred in this incident is of greater significance as indicating public

opinion than the elaborate but formal ceremonies arranged by designing politicians or fawning courtiers.

Notwithstanding his indisposition, Augustus sat in the heat of an August day through the Grecian games and then accompanied Tiberius as far as Beneventum. They parted there and Augustus returned to Nola, where he had a relapse, and as he realized that his death was near, Tiberius was recalled and arrived in time to receive Augustus' last instructions as to the government of the Empire. Satisfied with his life and confident of his future, he approached death unafraid. While an undue importance is given to the statements of great men when approaching dissolution, there is something of value and significance in those of Augustus. He inquired whether there was any popular excitement over the news of his serious illness and as to the condition of a granddaughter of Tiberius, who was ill. As he realized that death was near he said to those gathered around him, quoting from a Greek play, as was his habit, "If well I've played my part, all clap your hands and from the stage dismiss me with applause." And then with tender words of parting to Livia, he died.[1]

Critical historians have delighted to assert that this quotation from the Greek play shows the hypocrisy and insincerity of his life which con-

[1] It is an interesting coincidence that he died in the same house and bed in which his father died seventy-one years before.

tinued to the last hour; that to him life was simply a play and he an actor taking a part. It is hard to be patient with such criticism. The desire for approval is probably the most deeply seated instinct of civilized man, common alike with prince and peasant. And there was no more of insincerity in what Augustus said than there was in the anxious inquiry of James A. Garfield, when he realized death was at hand, as "to whether he would live in history." The incident is of importance as showing the persistently unfair attitude of the historians.

By slow stages the body was carried back to Rome accompanied from town to town by men of prominence and public officials. The procession traveled only at night on account of the great heat, but when it approached Rome it was met near the foot of the Alban Hills by the entire Equestrian order and escorted to the capital. It had always been the custom of Augustus to enter Rome at night in order to avoid official receptions and as he explained, to avoid inconveniencing anyone. But his last entrance into the Imperial city was in the light of day and between vast throngs of people whose grief was mingled with concern as to how Rome could continue without the man who had controlled her destinies and to whom they had turned in time of trouble for nearly a half a century. The senate debated long and anxiously as to the funeral ceremonies and many fantastic plans were proposed. But in the end a simple funeral cere-

mony was arranged for. Tiberius and his son, Drusus, delivered funeral orations, then the body, accompanied by senators, knights, soldiers and the people, was carried through the *Porta Triumphalis* to the funeral pyre in the Campus Martius where it was burned.

There was an ex-prætor, as Suetonius records, who made oath that he saw the form of the Emperor ascend to heaven. For five nights and days Livia kept solemn vigil and then the ashes of the dead Caius Julius Cæsar Octavianus, known through decree of the senate and the Roman people as Augustus, were placed in an urn and laid in the Imperial mausoleum which he had built in the Campus Martius. It already contained the ashes of Marcellus, Agrippa, Octavia, Caius and Lucius Cæsar and it continued to receive the ashes of succeeding emperors up to Nerva. In 410 the Goths opened the vaults and scattered the funeral urns and in 1167 the mausoleum itself, which had served as a fortress for the Colonnas in the bitter civil wars of the period was partly destroyed.[1]

After his burial a grateful people gave to Augustus the glories of the Apotheosis. The deification which he had prohibited during his life was gladly given to him after death. The senate declared him divine and there was erected in his honor a beautiful temple, the dedication of which was

[1] In modern times the tomb has been partly restored and used as a cavalry barracks and for public meetings and concerts

presided over by Livia and Tiberius. A religious order known as the Augustales was organized to have charge of the worship and the temples to Augustus. This order extended throughout the Empire and continued in existence until the Christian religion, three hundred years later, with official sanction suppressed it. As no ruler of a great Empire had ever received such general and genuine tributes of gratitude and regard during life, so also has no ruler received such tributes to his memory after death.

But what of the judgment of contemporary historians and writers and those of the first and second centuries? There was no contemporary historian of the Augustan period except Livy, and his history of Rome ended with the death of Drusus in 9 B.C. Of its one hundred and forty-two books only thirty-five have been preserved and in these the name of Augustus is mentioned but twice and that incidentally. But by the writers of his own period his achievements were fully considered and enthusiastically praised. While some allowance is to be made for what is said of one living and in power, yet it must be remembered that there was no censorship in the reign of Augustus. Writers were free to say what they thought and we know from what Augustus wrote to Tiberius that he was by no means free from criticism. When Tiberius urged that those who had criticized him should be punished, Augustus replied, "My dear Tiberius, do not be carried away by the ardour of

youth in this matter or take too much to heart that anyone speak ill of me; we must be content if we can stop anyone from *doing* evil to us." But occasions for such toleration by Augustus must have been rare and those who have been referred to as constituting the "College of Poets" were loyal and enthusiastic in support of Augustus and his policies. His usual difficulty was not in limiting or suppressing criticism but in limiting and suppressing praise. He prohibited tributes to him by poor writers who sought this method for publicity. He did not object to being praised but he did object to being praised in poor verse.

Horace, rather than Virgil, whose untimely death cut short a greater career, is to be regarded as the poet laureate of the reign, and in his writings there are to be found repeated tributes to the greatness of Augustus and his services to the Empire. In Ode V, Book IV, he says:

Moved by a loyal love, his country yearns for Cæsar. For when he is here, the ox in safety roams the pastures; Ceres and benign prosperity make rich the crops; safe are the seas o'er which our sailors course; Faith shrinks from blame; polluted by no stain, the home is pure; custom and law have stamped out the taint of sin; mothers win praise because of children like unto their sires; while Vengeance follows close on guilt.

Who would fear the Parthian, who the icy Scythian, who the hordes rough Germany doth breed, while Cæsar lives unharmed?

And then nothing could be finer than the tribute in this ode expressed in the lines: "For when, like spring, thy face has beamed upon the folk, more pleasant runs the day and brighter shines the sun."

Virgil, in the Æneid, crowns the achievements of the Julian family with those of Augustus in the following words:

But next behold the youth of form divine—
Cæsar himself, exalted in his line—
Augustus, promised oft, and long foretold,
Sent to the realm that Saturn ruled of old;
Born to restore a better age of gold,
Africa and India shall his pow'r obey;
He shall extend his propagated sway
Beyond the solar year, without the starry way,
Where Atlas turns the rolling heav'ns around,
And his broad shoulders with their lights are crown'd.
(Æneid, Book VI, lines 1074–1086.)

Nor was Ovid, the brilliant and fashionable poet of the later years of the reign, less enthusiastic than Horace or Virgil. He says:

Thou builder of the temples, thou holy restorer of our shrines, may the Deities, I pray, have a reciprocal regard for thee. May the dwellers in heaven grant thee as many years as thou hast bestowed on them, and may they ever be the watchful guardian of thy house. (Fasti, Book II.)

Similar expressions are to be found in the works of other writers.

Of the historians who had access to original documents and can be regarded as authorities, Livy, Diodorus Siculus, Dionysius of Halicarnassus, Nicolas of Damascus, Velleius Paterculus and Trogus Pompeius belong to the first century and Tacitus, Suetonius, Dion Cassius, Plutarch and Appian to the second. Of these Appian, Dion Cassius, Velleius Paterculus, Nicolas and Suetonius agree with the judgment of the contemporaries of Augustus as to his worth and greatness. Plutarch's life of Augustus has not been preserved, but Augustus figures largely in the other "lives" which have been preserved. But Plutarch is more of a moralist and rhetorician than a historian. Tacitus, the most brilliant of the historians of the first and second centuries, is also the most pessimistic and cynical. He did not write a history of the reign of Augustus but, by sarcastic and critical references to his work and policy, Tacitus has largely influenced modern historians.

The glorification of Julius Cæsar by subsequent historians and writers is the more remarkable in that he does not figure largely in the literature of the Augustan age or in the writings of the historians of the first and second centuries.[1] Augustus was, in the judgment of contemporaries and suc-

[1] Though Augustus was devoted to the glorification of the memory of Julius Cæsar, the latter's name is only mentioned once in Horace and a few times in Virgil.

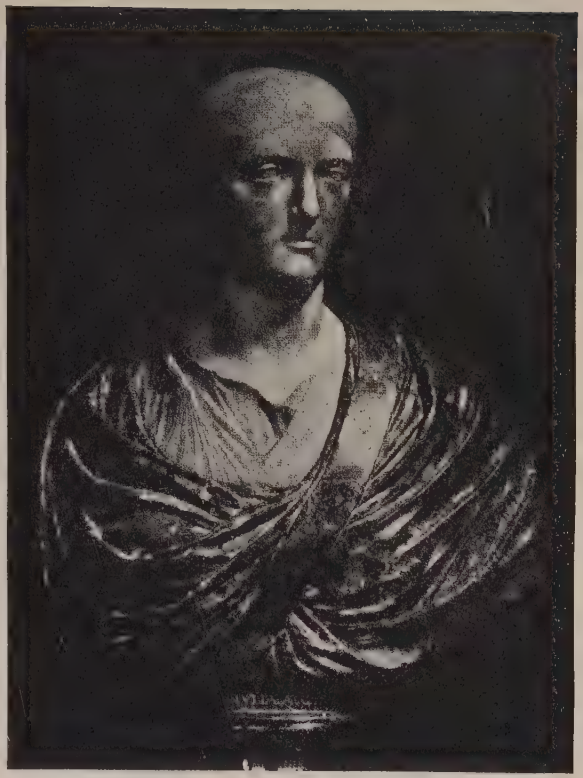
cessors, the founder of the Empire. He was the second, as Romulus was the first founder of Rome. It was Augustus and not Julius who made the name "Cæsar" a synonym of authority. The Cæsar of Horace and Virgil's poems is Augustus and not Julius, and the Cæsarea of Biblical history and the other Cæsareas throughout the Empire were named for Augustus.

Whence then came the myth of the great Julius? Dante, writing in the 14th century, made of him a hero for the Middle Ages. His immortal verse gave Julius almost the attributes of divinity and pictured the fiercest tortures of hell as reserved for Judas Iscariot, Brutus and Cassius. In the beginning of the seventeenth century Shakespeare did for Julius in modern times what Dante had done for him in the Middle Ages. In the republican enthusiasm of the eighteenth and early nineteenth centuries there came a reaction, and Brutus and Cassius and the idealized Roman Republic had their influence in the French Revolution and in the public life of England and our own country. But Mommsen and other German writers, steeped in the doctrines of imperialism, rescued again the fame of Julius and presented him as the great man of Rome and the founder of the Empire. England followed suit when Froude glorified him with equal enthusiasm and compared him to Jesus Christ, the success of whose religion Froude claimed Julius Cæsar made possible!

To help the fame of Julius, Gibbon, in his great work, imitates Tacitus by dismissing Augustus with a few caustic sentences as a "crafty tyrant" and one whose "cool head, unfeeling heart, and cowardly disposition prompted him, at the age of nineteen, to assume the mask of hypocrisy, which he never afterward laid aside." This is another example of Gibbon's habit of sacrificing the truth of history for the sake of a striking and fine sounding sentence. And then classical students, who have written most of the histories, have never forgiven Augustus because as a nineteen-year-old boy, he did not prevent Antony and Lepidus from adding the name of Cicero to the list of the proscribed.

Such is the explanation, as I see it, of the second-rate position that Augustus occupies in history. But no Quixotic purpose to rescue his name and fame from the obscurity of twenty centuries of mistaken estimate has prompted me to write these lines. To understand the real meaning of this important period of reconstruction and reform, some understanding is necessary of the character and ability of the leader. And the apparent contradiction of a great social regeneration accomplished, and a great empire established, by a second-rate man must be corrected.

Chateaubriand says: "Augustus does not belong to the select company of that first class of men who make revolutions, but rather to the second class who profit by them." And one of



Julia

Livia

While we have a number of statues and busts of Livia, this one presents her more than any other in the character of a noble Roman matron. The one of Julia hardly justifies the claims of most writers as to her beauty.

Augustus' biographers adds, "If there had been no Julius, there would have been no Augustus." But is a man who makes a revolution to be regarded as of the first class while one who directs the development of a great Empire of the second? It all depends on the point of view. Personality oftentimes seems to be of more importance than achievement in fixing one's place in history. While it is true that the fame and achievements of Julius contributed to the success of Augustus, it is equally true that if Julius had had the qualities of his adopted son, there would have been nothing much for Augustus to do. Augustus resembled Julius in his capacity for great conceptions to be accomplished through the use of official power and, what is of more importance, he had the ability, the patience and the consideration for the feelings and the rights of others necessary to the execution of his plans without causing men to want to kill him.

Alexander, Cæsar and Napoleon have been regarded as the great Empire builders and conquerors of history. While they were all great generals, it is to be remembered that Alexander's empire died with him and Napoleon's empire ended with his defeat. Julius Cæsar conquered Gaul with an army of only forty thousand men and any capable general could doubtless have accomplished the same result and with less sacrifice of human lives. It should also be remembered that Augustus brought a larger extent of territory,

more people and more wealth under Roman rule than did Julius or any other leader in Roman history. And yet his claim to greatness is in his work as a statesman rather than as a conqueror or a general. In this field the magnitude and duration of his services make comparisons difficult.

In his youthful rise to power and in his ability to adhere, undeterred by difficulties and defeat, to a definite plan and purpose he resembles the younger Pitt. In the character and leadership that he gave to the Empire that he founded and in the impress that he left upon its life and purposes and ideals, he belongs in a class with George Washington. The work of modern empire builders like Cavour and Bismarck seems inconsequential in comparison. Augustus once in discussing with a friend the career of Alexander, whom, strange to say, he greatly admired, remarked that he could not understand why Alexander, at the age of thirty-two, should have wept for more worlds to conquer and that he "was surprised that Alexander did not regard the right ordering of the Empire a heavier task than the winning of it."

This gives us the key to his character and an epitome of the purposes of his life. He found a world about ready to fall to pieces and the times so out of joint that civilization had almost ceased to function. He spent the first fifteen years of his public life in fighting to establish his authority over this disordered world and he spent the remaining

forty-three years of his life organizing its government, its civilization and its culture. And he did his work so well that all systems of government and law since then have profited by his achievements.

CHAPTER IX

HOW SOCIALISM HELPED TO DESTROY THE ROMAN EMPIRE

THE question naturally arises, why was it that the Roman Empire ceased to exist, if Augustus accomplished the great work I have claimed for him? Does the fact that the government he established and the civilization he helped to recreate went to pieces detract from the claim that he should be regarded as one of the great reformers and constructive statesmen of all time?

It has not been my intention to make extravagant claims for Augustus and I do not believe he intended to make such claims for himself. Few statesmen have ever had to their credit achievements which have extended the influence of their lives into a future measured by centuries. The work of a statesman is usually measured by years or at the most by decades; and one to be wise in his day and generation must be wise according to the standards of his day and generation. The great problem of statesmanship, as Cavour said, is a realization of the practicable, and Abraham Lincoln expressed something of the same thought when he said that one must do the best he can

with what he has to do it with. After all, courage, high ideals, common sense and an ability to work effectively with others are the essentials of statesmanship.

It is not claimed that the government that Augustus established was free from weaknesses or that his efforts at reform effectively corrected the evils whose existence he realized and against which he sought to protect the Empire. It is no reflection on him and his associates that three hundred years after his death the constitutional Republic he established was changed into a monarchy or that five hundred years later the Western Empire ceased to exist. The theory of his government, of a *Res Publica*, was never lost and its work of civilization was never entirely destroyed. Further, the changes in government were not, as I see it, the controlling cause of the decline and fall of Rome.[1]

[1] Ferrero in his recent work, *The Ruin of Ancient Civilization and the Triumph of Christianity*, places particular emphasis upon the disregard of the senate as the foundation of Imperial power, in explaining the breakdown of official authority and the fall of Rome. Beginning in 193 A.D. with the accession of Septimus Severus, who became Emperor through the support of his legions, Ferrero attributes the increasing disorganization of society and government to the absence of senatorial sanction of the title of succeeding Emperors. While legitimate sanction of official authority is important, yet the strength of the Imperial government depended far more on the character and ability of the different Emperors than on whether they gained their position through the support of the army or the senate. Further, a number of the Emperors after Septimus Severus, came to the throne with the full approval of the senate.

But the "decline and fall" is, like Rome itself, so vast a subject, it presents such varied and complex phenomena, that it is as difficult to summarize as it is dangerous to dogmatize concerning it. If my own experience can be taken as a guide, there is as marked confusion and misunderstanding concerning the fall of Rome as there is concerning the effect of the change from the old "*Romana Respublica*" to the "Republic of Augustus."[1] The popular conception pictures Rome slowly but steadily declining in civilization, government and morals from the time of Augustus or the age of the Antonines, until at last in the latter part of the fifth century she could no longer resist the inroads of the barbarian hosts which were pressing against her frontiers. The idea of a great empire of 100,000,000 of people, slowly but steadily declining for five hundred or even for three hundred years is, on its face, an absurdity.

While the period of disintegration, when Roman government and civilization seemed to be weakening rather than growing in strength extended over several centuries it presents a varying record of recovery and retrogression. Causes of disintegration in one period do not exist in another or if they do exist, produce entirely different results. Thus slavery was less of an evil in the second

[1] I have used the expression, the "Republic of Augustus," in imitation of Ferrero and because I feel that it conveys a more correct and definite meaning to persons other than classical scholars, than would the expression, the "Principate of Augustus," which is the conventional term of description.

century than it was in the first and more of an evil in the third and fourth.[1] The collegia which were strengthening social influence in the first and second centuries became in the fourth and fifth centuries, through legislation which made them governmental as well as social and industrial organizations, a serious and disorganizing influence.

The "Fall of Rome," as it is usually referred to and presented in history, has created not only false impressions as to what happened but it has been unduly emphasized. In the story of the "long glories of majestic Rome," the "fall" is by no means the most important fact. The emphasis that has been given to it by history and particularly by Gibbon's great work creates the false impression that Rome was, after all, a great failure. Rome was a great success. The so-called "fall" was more or less of a natural process and came after her great work of civilization had been accomplished. During the twelve hundred years that Rome existed she gave to the world the idea of constitutional government, principles and codes of law as rules of life and conduct. She civilized western Europe and gave to the people a common language and social system, preserved and bequeathed to the civilization of the future her own achievements and those of all the civilizations of the past.

[1] This was due to the great number of Barbarians captured and sold as slaves in the third and fourth centuries. They became cheaper than at any other period of Roman history.

When we consider the difficulties and handicaps that she met and overcame, our measure of admiration must increase. Take the difficulties incident to lack of rapid transportation and transmission of information in the government of an empire of 100,000,000 people of different races and nationalities, living in a territory the size of the United States of America. Our forefathers confidently predicted before the day of the railroad and the telegraph the fall of the Republic, if it was extended to the Mississippi. What would be our situation today if our means of rapid transportation and transmission of news were taken from us? Particularly, what would be our situation if in addition there were along the Atlantic coast a different racial population from that along the Pacific and different racial populations in the south from those along our northern border? To add to this difficult situation, if we could imagine vast hordes of partly civilized nations seeking to enter our territory along its northern and southern border, then we would have something of the same problems to deal with that Rome had during the last three hundred years of her existence. It taxed our national government to the limit, even with none of these adverse conditions, to suppress the secession of the Southern States and maintain the Union. The wonder is not that Rome did not do more, but that she did so much and did it so well.

The suggestion that the development of the

civilization and culture of the different provinces, particularly in western Europe, naturally tended to produce separation and division is not to be taken as an expression of opinion that the breakdown of the Western Empire was a desired or beneficial result. It was one of the greatest misfortunes and calamities that ever befell mankind. The calamity was not so much in the fall of the Imperial government as in the breakdown of civilization that accompanied it. No one can read the story of the Middle Ages with its ignorance and superstition, its oppressions and outrages, its lack of progress or apparent hope of progress, without appreciating how the world suffered during those dark and dreary centuries. It has hardly recovered from the effects of those years even in the enlightened civilization of the twentieth century.

Why then did the splendid civilization of the Roman Empire sink into the darkness, the chaos and the misery of the Middle Ages? Why did Rome prove unequal to her problems? What were the causes (for the question must be asked in the plural) of her decline and fall? In the answers to these questions are there any lessons for the twentieth century? These are subjects that have tempted many able writers to extended discussions. But that those discussions have largely run along conventional lines and overlooked causes and conditions that seem to me important is my excuse for this modest, but I hope not unprofitable, effort

to interpret some of the phases of this important period of history.

Every historian who has discussed the subject has had his explanation of the fall of Rome and the causes assigned have been almost as numerous as the historians. The list has been increased by the habit of modern statesmen and sociologists of asserting, whenever they feel that they have discovered some present day evil, that the same evil caused the fall of Rome. And they usually add that had Rome dealt with the problem as they think it should be dealt with, she could have avoided her awful fate. The difficulty of deciding what might have happened is greatly increased by the difficulty of understanding what did happen. The period of Rome's disintegration and decay is such a long one, it presents such complex and different social, industrial, official and racial phenomena, that it is impossible to present a comprehensive view within the limits of a volume. Gibbon used three thousand pages to give his views and what he left out or failed to discover, or if he discovered, to appreciate the importance of, is almost as important as what he tells. So any review of the last three centuries of the Western Empire in this work must be in the nature of an outline with an emphasis here and there on matters that seem of particular importance.

Tiberius succeeded Augustus through the action of the senate in conferring upon him the same authority enjoyed by his predecessor, and though

the form of government devised by Augustus continued substantially unchanged down through the first, second and third centuries, many changes occurred in the methods of administration and in the purposes and ideals of those in authority. The nationality and character of the Emperors also clearly shows the change in population and conditions.[1] The last of the Emperors who could claim Julian blood was Nero and after his reign the cosmopolitan character of the Empire is reflected in the person of its rulers.

Of the thirty-one Emperors from Nerva to Diocletian, only six are known to have been born in Italy, and of these Hadrian was of a Spanish family. Spain gave the Empire one of its greatest rulers in Trajan; Pertinax and Caracalla were born

[1] The contrast in appearance between the Emperors, statesmen and generals of the Republic and early Empire and those holding similar positions after the end of the second century is very marked. The old Roman stock had been changed by infusions of foreign blood and the leaders in the different provinces came in time to be the rulers at Rome. A further difference in the appearance of the Roman leaders of the early and later periods is that the former were generally smooth shaven, while the latter generally wore beards which, with their hair, show the careful attentions of the hair dresser. A contrast in appearance is also to be noted between the women of the first and second centuries and those of the third, fourth and fifth, and a similar contrast exists between the simple but attractive style in which the women of the earlier periods wore their hair and the elaborate and ridiculous coiffures of those of the later centuries. A period of national decadence is apparently at hand when men and women devote so much of their time and attention to matters of personal appearance and adornment that they have but little left for the serious affairs of life.

in Gaul; Septimus Severus and Macrinus were natives of Africa; Elagabalus and Alexander Severus, of Syria; Maximin, of Thrace; Philip, of Arabia; Decius, of Pannonia; the Gothic Claudius, Aurelian, Probus and Carus were natives of Illyricum and Antonius Pius, although born in Italy, was of Gallic descent.

The manner in which the question of succession was dealt with at different periods shows the demoralization of government. Sometimes the senate asserted something of its old time vigor and authority and named the Emperor. Again the Prætorian Guard, which Augustus established to insure the peace and order of Italy and Rome, asserted its authority. And at times the choice of the ruler was made by armies in various quarters of the Empire.[1] Through the choice of the army the plain but able soldier, Vespasian, came to correct the weaknesses and the evils resulting from the rule of Nero. The power and authority of the Emperor varied much in fact with the character and ability of the ruler, even if it did not change in theory.

The prosperity and growth of the Empire continued substantially unchecked until the reign of Marcus Aurelius, but a century of disorder in

[1] The choice of Emperors by the Prætorian Guard or by the various armies has been regarded as an unqualified evil. But those men were Roman citizens and they probably constituted as representative a nominating convention and electoral college when they acted, as they often did, on honest motives, as the senate which humbly ratified their selections.

which the Empire seemed to be hastening to its fall began with Commodus, the vicious and incapable son of Marcus Aurelius, who came to the throne one hundred and eighty years after the birth of Christ. Assassination ended his disastrous reign and Pertinax, chosen by the Senate, enjoyed less than three months of power before he was murdered by the Prætorian Guards, who then proceeded to auction off the throne to Didus Julianus, a rich senator, for $1,200,000.[1] This disgraceful transaction showed to ambitious generals the road to power and Septimus Severus, commander of the army on the Danube, marched on Rome with his legions and had the title which they gave him confirmed by the Senate. He disarmed and dismissed in disgrace the Prætorian Guards and under his rule there was a brief respite of a strong government with the Emperor exercising proconsular authority even in Rome and Italy; but Caracalla, his successor, was probably the most vicious and brutal of all the Emperors, and Elagabalus, the Syrian priest of the Sun God, the most vile and effeminate.[2] Alexander Severus, an Emperor of

[1] There is some difference of opinion as to whether this transaction was in the nature of a private or a public auction, but that Sulpicianus, another senator, was bidding against Julianus and almost secured the prize seems to be well established.

[2] The giving of citizenship to all free men of the Empire is one act that is usually recorded to the credit of Caracalla, though this action was due more to a desire to raise more taxes than to benefit the freedmen. Nothing has been recorded in favor of Elagabalus, who insulted Roman sensibilities in many ways and particularly by appearing in oriental robes with his face painted and bedizened.

ability and good intentions, succeeded Elagabalus and reigned for sixteen years. He fell victim to a mutiny instigated by Maximin, one of his generals, a Thracian peasant who had won his favor, and thus Maximin became the first Barbarian Emperor of Rome.[1]

With his prodigious strength and size (he was over eight feet tall), and restless energy, Maximin was able to give some vigor to the army and drive the Barbarians beyond the Rhine and the Danube. But the weakness and disorder of the times can be understood from the fact that in eighteen years there were twelve Emperors. So none had the necessary time and few the necessary ability or inclination to do anything for the welfare of the Empire. There was not much more stability in the office of Emperor than in the office of President of a South American Republic fifty years ago.

Decius, who reigned from 249 to 251, was killed in a battle with a foreign enemy, and Gallus, who succeeded him in a two year term, disgraced his name by being the first to pay tribute to the Barbarians for the sake of peace. Valerian, who succeeded him, had a trying and troubled reign of

[1] Remarkable stories are told of the size, strength and capacity for food and drink of Maximin. His wife's bracelet made him a thumb ring, he could draw a loaded wagon, fell an ox with a blow of his fist, crumble stones in his hands and he often ate forty pounds of meat a day and washed them down with seven gallons of wine. As Emperor he went the way of his immediate predecessors, as both he and his son were killed by his own soldiers who revolted against his rule.

The Colosseum

The Colosseum was completed in 80 A.D. in the reign of Titus and was built for public exhibitions, including gladiatorial combats. It seated 87,000 spectators who were protected from the heat and the rain by an awning of purple colored cloth. Much of the stone and marble of which it was constructed has been taken for other buildings and much has been used to be burned into lime.

eight years filled with invasions from the north and east by Goths and Franks and other Barbarian tribes which ravaged Greece, threatened Italy, and crossing into Asia burned the great temple of Diana at Ephesus.[1] Valerian ended his disastrous reign by being captured by King Sapor of Persia with a reputed fate almost as sensational and cruel as that inflicted on Crassus.[2] With an Emperor killed, followed by one paying tribute to Barbarians, followed by one captured by a foreign enemy, it seemed that Imperial authority could not further decline and exist at all. And it did almost cease under Gallienus, whose reign of eight years is also known as the reign of the Thirty Tyrants, who, however, actually numbered only nineteen. They consisted of generals or officials who set up authority in different parts of the Empire in opposition

[1] The term *Barbarians* that is applied to these tribes is a term of designation rather than of description. In the ancient world all who were not Greeks or Romans were Barbarians. The Goths and Ostrogoths or eastern Goths, the German tribes, Suevi, Burgundians, and Franks, and even the Vandals, who were of low German stock, were in no sense savages. They had, independent of Roman influences, attained a considerable degree of civilization and culture and most of them had been in contact with and more or less subject to Roman civilization before they became residents of the Empire. Even the Huns, according to Wells, were not as savage and barbarous as they are generally pictured.

[2] Whenever Sapor mounted on horseback, he is said to have placed his foot on the neck of Valerian. After Valerian died from the various humiliations to which he was subjected, his skin, stuffed with straw, was preserved for years in the most celebrated temple of Persia.

to the crown. During this confusion and conflict of authority, Zenobia, a remarkable woman who seems to have had all and more than Cleopatra's virtues and none of her vices, established a brilliant empire in the East with Palmyra as its capital. To increase the disasters and hopelessness of the times, famine and pestilence, two of the four riders of the Apocalypse, swept the Empire. The world seemed again about ready to fall to pieces.

That history is really a record of the biographies of great men is clearly shown by the change that two strong rulers brought to this disordered and distressed Empire. It is leaders rather than principles and policies that determine the course of history. The Gothic Claudius came to the throne in 268 and in the two years that he reigned reorganized the army, strengthened the government, and overwhelmed an invading army of Goths. His effective activities were cut short by death from the plague which, as we shall later try to show, played far more of a part than has usually been assigned to it by historians in this great tragedy of civilization that the world knows as the Fall of Rome.

Aurelian, the Pannonian peasant who succeeded him, overwhelmed the invading Allemani, subdued and captured Tetricus who had ruled for five years as Emperor of Gaul, and then turned to the defeat of Zenobia, the Queen of the East, who for the same period had ruled the eastern part of the Empire. Aurelian's victories were rewarded by

the grandest triumph Rome had ever or was ever to witness. This magnificent spectacle and Aurelian's campaign against Zenobia are described by Gibbon in splendid and sonorous sentences, with which almost every schoolboy a generation ago was familiar. The description of the triumph, taken from Vopiscus, tells of a greater number and variety of animals than any of our "greatest shows on earth" have ever presented for the entertainment of the American people. Aurelian rode in a chariot drawn by four stags which had belonged to the King of the Goths and was preceded by twenty tamed elephants from Libya. "Besides tigers, giraffes, elks and other creatures," Vopiscus informs us, "two hundred different beasts from Palestine" were exhibited in the triumph and Aurelian, in order to save the expense of keeping them, took advantage of the enthusiasm of the occasion to present them to prominent citizens.

Sixteen hundred gladiators marched in the procession along with captives from many tribes and ambassadors from Ethiopia, Arabia, Persia, India, and China emphasized by their presence the fame and power of the Empire. Three royal chariots, one that of Odeanthus, the husband of Zenobia, one a gift from the King of Persia, and the other the one in which Zenobia planned to enter Rome in triumph, were in the procession. Zenobia, burdened with golden chains, walked on foot. But captivity was borne by Zenobia in a different spirit from that shown by Cleopatra, for she not only decided to live,

but she became a Roman matron and her descendants were still prominent in Rome in the fifth century. It was the greatest triumph Rome had ever witnessed and among the last that was to wend its course up the Sacred Way to the Capitol.

There were, however, two occurrences that marred the confidence and satisfaction Aurelian's victories should have brought. A revolt occurred in Rome, known as the Revolt of the Mint, resulting in the death of five thousand of Aurelian's soldiers,[1] and the danger of the capture of the Imperial city during such disorder as had existed in preceding years caused Aurelian to decide to protect it with a wall. Thus was it brought home to the people that the strength of the legions and the awe that Rome was supposed to inspire could no longer be relied upon for protection.

After an interregnum by the Senate of eight months,[2] there were three strong Emperors, Tacitus, Probus, and Carus, the first two being the choice of the Senate. Each did something towards restoring the peace and security of the Empire, but when Diocletian came to the throne in 284 he proceeded frankly to change the Republic of Augustus into a monarchy and to divide the Empire and the government into four parts. The plan provided for two major rulers, known as

[1] The causes of this revolt are obscure.

[2] Aurelian was assassinated in 275 as the result of a conspiracy among his officials.

Augusti and two minor or apprentice rulers known as Cæsars. The Cæsars were to be the successors of the Augusti and all were to be united by ties of marriage. The plan looked all right on paper, but it sowed the seeds of further controversy and dissension over the succession and also resulted in a division of the Empire. Rome had long since ceased to be the mistress and she now ceased to be the capital of the world. For convenience of location, Diocletian changed his residence to Nicomedia in Bithynia, and while the senate remained at Rome with membership therein as a title and distinction, its powers for all practical purposes were transferred to a cabinet or privy council of the Emperor.

The division of the Empire was carried a step further by Constantine, who built a new capital on the shores of the Bosporus, which he adorned with beautiful buildings, temples and arches, to the distress of the whole Empire, on account of the added burdens of taxation. He also established there a new senate and a new list of titles and distinctions. But the old senate continued in its ancient home surrounded with the manifestations of former greatness and power. Constantine sought to restore an apparently worn-out world by making Christianity through the decree of Milan in 313 the official, though not the only, religion of the Empire. The effect on the Empire of this order has been a subject of unending controversy, though so far as Constantine was concerned, the

teachings of the new faith did not prevent him from making a record among the most proficient of the Emperors for murdering kinsmen and dangerous rivals.

Though the work of Constantine and Diocletian and the three or four strong Emperors who ruled in the latter part of the third century did not save the Empire, it accomplished some improvement in its government and security. Conditions were improved and the future looked more hopeful in the middle of the fourth century than in the middle of the third.

However, the scheme of an Empire divided in fact but not in theory failed and after Theodosius in 395 the division became actual and permanent. Arcadius and Honorius, sons of Theodosius, divided the Empire between them, the former taking the east and the latter the western half. But Rome was no longer even the residence of the Emperor of the west, though Honorius did in 404 celebrate there a triumph for some victories over the Goths which was the last triumph celebrated in the Imperial city. Milan was selected as the official residence of Honorius, but he did not hesitate to flee to the marsh-protected city of Ravenna when the Goths became dangerous.

Before following the fate of the remaining weak and puppet rulers of the Western Empire, it will be necessary to tell something more of the part the Barbarians played in the breakdown of government and civilization in western Europe. The conven-

tional view, I believe, pictures the Roman Empire standing guard on the banks of the Danube and the Rhine, beating back year after year and century after century the invasions of the Goths, the Germans, the Vandals and the Huns. The attack from year to year becomes stronger, the resistance, through misgovernment, immorality, vice and a score of other causes, becomes weaker, until finally the barriers break and the Barbarian hordes swarm into the Empire to wreak their hate upon Rome, somewhat as the Germans in the great war swept through Belgium and northern France to the gates of Paris.

This is a simple and not an uninteresting picture, but it does not accord with the facts. From the time of Augustus and Tiberius, Barbarian tribes had been permitted to cross the Danube and the Rhine and settle within Roman territory. Barbarians had been from time to time admitted into the army and Augustus even had a bodyguard of Germans which he retained until the massacre of Varus and his legions convinced him that his guards might be more dangerous than his enemies. Rome had no immigration laws and there was doubtless a steady migration of Barbarians into Roman territory and cities. The first great invasion or inroad of Barbarians occurred in the latter part of the second century in the reign of Marcus Aurelius. Though his army was so reduced by the plague that he had for the third time in the history of Rome to summon slaves to the legions and to

recruit gladiators and bandits, the Barbarians were defeated and driven back on the Danube and then they were added to the Empire through the organization of the provinces of Sarmatia and Marcomania.

But in the next two centuries the inroads continue. Sometimes the tribes are merely looking for land, sometimes they are being pressed from behind by enemies they fear more than Roman legions, sometimes they are on raiding expeditions and sometimes they are simply wandering in an aimless spirit of migration. Battle after battle is fought against them, they are defeated, killed and driven back, but some each time are permitted to remain. Armies commanded by Roman generals win great victories against superior numbers; strong Emperors go out to stem the tide at the head of their legions and some, as we have seen, fall or are captured in battle. Some seek to buy off the invaders with money and others with land within the Empire. But it is to be noted that most of these battles with the Barbarians were fought not on or beyond the frontiers, but well within the Empire and the results even when favorable to the Romans must have meant substantial accessions of Barbarians to the population.[1]

In 337 the Vandals in large numbers were permitted to settle in Pannonia, the modern Hungary,

[1] Many thousand of those captured in these battles were sold as slaves and thus added to the population of the Empire and in time became citizens.

and a few years later the Goths, who lived to the east of the Danube, pressed by the Huns, were permitted a million strong to cross the river and settle in Roman territory. Large numbers of the Huns afterwards crossed the Danube, joined the Goths in common cause against Rome and the Emperor Valens was defeated and killed in the Battle of Adrianople in 378. This enforced their right to stay and the Gothic army became in fact a Roman army, when by plundering Greece and threatening the capture of Constantinople, they so frightened Arcadius, the eastern Emperor, that he tried to win Alaric's favor by making him master general of Illyria.

The Roman senate granted him four thousand pounds of gold for his services and he demanded from Honorius the rank of master general of the armies of the Western Empire. When Honorius, in his safe retreat in Ravenna, refused the demand and the senate was slow in making the promised payment, Alaric marched on Rome, captured and sacked it in 410 A.D. The actual damage done by Alaric and his Goths was neither great nor irreparable, but the sanctity of the Imperial city was destroyed. Not for eight hundred years had a foreign enemy been within her gates, but henceforth, deserted by her Emperors, her prestige gone, she was to be captured again and again and despoiled of her beauty and her magnificence.

The Goths, during the thirty-five years that they had lived within the Empire prior to the sack of

Rome, had become Christians and it was Gothic armies and Gothic generals fighting under Roman banners who thirty-seven years later saved Europe from Mongolian domination.[1]

Who the Huns were is a point on which history presents confusing testimony.[2] After they followed the Goths across the Danube and joined with them in the defeat of Valens in 378, they had little part in the affairs of the Empire. But in 447, under the command of Attila, the Huns crossed the Rhine a half million strong, destroying, killing and plundering as they marched south to Italy.[3] Honoria, the sister of the Emperor, in mistaken estimate of her own charms and the chances of Attila's success, sent him a proposal of marriage and the latter replied by offering her a place in his harem if she would bring the Western Empire as her dowry. The Roman general, Aetius, with a one-half Barbarian army and the aid of the

[1] The Goths first invaded the Empire during the reign of Philip, 244 to 249, and were granted lands. They revolted and killed Decius in 251 and were afterwards ceded the province of Dacia by Gallus. There were other settlements of Goths in the Empire before the great immigration referred to which occurred in the latter part of the 4th century.

[2] The Huns probably were Turks. This is the opinion of Prichard, Latham and Smith. Niebuhr maintains they were Monguls. That they probably included different races is evident from the reference by ancient historians to white and black Huns.

[3] This was one Barbarian invasion which was by a foreign enemy under a commander who regarded himself as ruler of a foreign country and treated with the Romans as such.

Visigoths, commanded by Theodoric, defeated the Huns at the Battle of Chalons in 451.[1] They then drifted to the south, threatened Italy and soon disappeared from the page of history.

The Vandals who were admitted to the Empire in 337 and settled in what is modern Hungary, drifted, with other tribes that probably joined them, down into Spain in 425 and eighty thousand strong they accepted in 429 the invitation of Boniface, the Roman governor, to come into Africa.[2] They established there an empire of their own which at its height included Sicily, Sardinia and Corsica and which survived for a hundred years. In 455, under the leadership of Genseric, their King, they captured and pillaged Rome and among the other treasures that they carried off was the seven-pronged candlestick that Titus had taken from the Holy of Holies in the capture of Jerusalem.

In 406, Britain was abandoned by Honorius and from time to time it was invaded by various wandering bands of Barbarian tribes. The Visigoths and the Suevi, who had also lived for years within the Empire, followed the Vandals south into Spain and Portugal. Gaul was occupied by Franks, Visigoths and Burgundians, and Italy, the keystone of the arch of the Western Empire, was in the hands of Barbarians living on terms of equality

[1] The Emperor Valentinian II, jealous of the success of Aetius, killed him by stabbing him with a sword.

[2] A considerable portion of the Vandals remained in Spain and gave their name to that portion of the country known as Vandalusia or Andalusia.

and amity with what remained of the Romans. The population of the Western Empire for the first half of the fifth century seemed to be in a state of flux and with the barriers on the Rhine and the Danube broken down, new tribes and people were from time to time crossing at will.

The barbarization of the Western Empire, which had been going on since the closing years of the second century, now seemed to be complete. Western Europe consisted of rival Barbarian principalities, sometimes fighting each other, sometimes against Rome and sometimes under her banner; the army of the Empire was largely composed of Barbarians and was commanded by Barbarian generals who set up and pulled down Emperors at their whim or pleasure.[1] Ricimer, of the tribe of the Suevi, destroyed the last hope of a regeneration of the Empire such as had been accomplished by Augustus and later by Aurelian when, jealous of the growing power of Majorian, he had that able Emperor, who was referred to as the "young Marcellus," removed from office and assassinated. And fifteen years later Odoacer,

[1] Stilicho, a Vandal, became master-general of all the cavalry and infantry of the Western Empire, and finally brother-in-law of the Emperor Honorius. Ricimer was declared "deliverer of Italy" for his victory over the Vandals in 456 and was given the title of Patrician by the senate; he deposed and appointed Emperors, and from 461 to 467 exercised Imperial authority under Severus, his nominee. Gundobad, prince of the Burgundians, was master-general of the armies of the west and appointed Glycerius Emperor. Even the great Aetius was the son of a Scythian warrior and received his military training under Alaric.

a tribeless Barbarian from the north, ended the farce of Imperial government at Rome by removing the last puppet Emperor, Romulus Augustulus, a small man with two great names.

Though 476 is accepted as the date of the fall of the Western Empire, it did not in theory come to an end then and the eastern Emperors, beginning with Justinian, continued for nearly two hundred years to appoint subordinate rulers for Rome.[1] Under strong Emperors like Justinian, the Imperial power was felt again in western Europe and some semblance of unity established. But the mediæval existence of western Europe had now begun with its various kingdoms and principalities, though Rome was long to continue a real and at times a dominating influence, her old temporal and power and glory were gone forever.

To the inhabitant of Italy, Spain or Gaul, the deposition of the last Emperor was an event of no importance, if indeed he heard of it at all. The conditions in Rome and western Europe for one hundred years after the fall of the Western Empire were not essentially different from those in the preceding hundred years. The alien or Barbarian tribes which brought the Western Empire to an end were not enemies invading her territory, animated by hate and bent on death and destruction.

[1] Between the fall of Rome in 476 and the appointment of Narses as exarch by Justinian in 554, Barbarian chieftains and kings ruled at Rome, but they acknowledged to a certain extent the authority of the eastern Emperors.

Most of these tribes had lived in and been a part of the civilization and the government of the Empire for over a hundred years and the wars and contests that ended Imperial power in the west were civil wars or personal and factional contests which were not based on fear or hate of Rome. In 404, when Honorius celebrated the last triumph celebrated in Rome, a hundred years had elapsed since an Emperor had lived in the Palace of the Cæsars and only three Emperors had visited Rome during that period. In the seventy-two years that followed the triumph of Honorius, the residence of the Emperors was maintained at Ravenna and Milan.

But this outline of what happened to the governing authority of the Roman Empire does not tell us why its civilization and its power to rule failed. Why did not the Roman legions that had conquered vast territories and defeated many great Barbarian armies in the first and second centuries of the Christian Era, continue to do so, or at least continue to defend their frontiers? Why did not this vigorous, prosperous and capable people absorb the Barbarians who settled within their domain, fill them with the traditions and ideals of Roman civilization, as we hope to fill with the traditions and ideals of American civilization the thousands of immigrants we yearly welcome to our shores? These are the great questions which have occupied so much of the time and thought of statesmen and historians.

Ruins of the Palaces of the Cæsars on the Palatine

This illustration of the ruins of the palaces of the Cæsars on the Palatine hill gives us some idea of their size and magnificence. While there is probably exaggeration in the descriptions that have come down to us of the Golden House of Nero, there is no doubt that the palaces of the Cæsars compared favorably in beauty and extent with the palaces of the kings and emperors of modern times.

From a photograph by Alinari

Among the many causes of Rome's failure to maintain her government, Romanize her immigrants and defend her frontiers, the following have been suggested: slavery, immorality and vice; decrease of population and particularly of the old Roman stock through "race suicide" and the exposure of infants; decreased production; free trade; Christianity; Paganism; lack of education, particularly along scientific lines and failure to use science to control and regulate the forces of nature; change from a republic to a monarchy and the failure to provide a definite method of succession; absence of representative government; failure to provide means for disseminating information; decrease in amount of precious metals; disorganization of army; malaria; and the Barbarians.

To the breakdown of government and civilization most of these causes contributed, though each must be taken in its relative degree of importance. While the consideration of each would be interesting, it is impracticable in a work of this character. To this conventional list can be added two causes that had an effective and, in my opinion, a determinative influence in the social and political revolution that has come to be known as the "fall of Rome," neither of which has been given much consideration by the writers of history. The first is the plague and the second, a scheme of economic and industrial legislation that brought all the evils, disadvantages and dangers of modern socialism with none of its possible advantages.

Entirely reliable statistics are not available as to the nature and the mortality of the pestilence known as the Plague of the Antonines that began in 166 and with periods of subsidence and virulent outbreaks continued down into the Middle Ages. Marcus Aurelius, alarmed by the invasions of the Barbarians across the Danube, summoned the army from Syria, and thus the disease which was then prevalent in the East and which seems to have been the Bubonic plague, was brought into Europe. It extended from Persia to the Rhine and according to one authority, killed off one-half of the inhabitants.[1] The mortality was so great that in Rome they were unable to give proper burial to all the dead and many cities and whole sections of the country lost all their inhabitants.[2] The virulence and wide extent of the plague was increased by a famine throughout western Europe and by storms, volcanic eruptions and earthquakes. The people felt that they had displeased the Gods and turned with frenzied energy to every known sacrifice and prayer to appease their wrath.[3]

Galen, the great physician, was especially charged by the Emperor with the devising of measures of relief and amelioration. But all efforts failed. The plague continued unabated and wagons and carts had to be used in Rome to remove

[1] Merivale, vol. vii, pages 461, 462, 463. Capitol. Ver. i, Eutrop., viii, 12.

[2] Orosius, vii, 15; Merivale, vol. vii, page 463.

[3] Prayers and sacrifices were offered particularly to Æsculapius and Isis, who were regarded as able to cure disease.

the dead. It was no respecter of persons, claiming as its victims the high and low. So great was the mortality in the army that the Emperor had to delay for three[1] years his expedition to drive back the Barbarians and he was finally compelled to summon slaves, gladiators and bandits to the legions. But even with these extreme measures the army was recruited with difficulty and, after some inconsiderable victories, it seemed advisable to settle the Barbarians in the Empire on condition that they would furnish recruits for the legions in proportion to the land occupied. Thus through the ravages of the plague Rome was forced to fill the depleted ranks of her legions with slaves and Barbarians. The plague continued after the death of Marcus Aurelius in 180 into the reign of his son, Commodus, when in a fresh outbreak it claimed two thousand victims daily in Rome.[2]

Niebuhr, one of the ablest of the German writers on Roman history, asserts that the Empire never recovered from the effects of the plague of the Antonines,[3] and yet, strange to say, the subject is not even referred to in Gibbon's extensive work. With periods of abatement and recurrence, the plague continued from year to year and there was a virulent outbreak in 249 in the reign of Valerian,

[1] Merivale, vol. vii, page 433; Orosius, vii, 15.

[2] Dion., lxxii, 14.

[3] *Lectures on Roman History*, page 733, Lecture cxxxiii, Niebuhr describes this disease as the "real Oriental plague" and states that for over 600 years prior to this outbreak Europe had been free from its visitations.

which lasted through the disordered reigns of Valerian and Gallienus. Pestilence and famine again swept the Roman world and the population of the city of Alexandria was reduced to less than one-half of what it was in the time of Augustus.[1] The plague claimed the life of Claudius, the successor of Gallienus, while he was fighting with the Goths and the latter are reported to have suffered so grievously from its ravages that only a small band survived of a great invading army.

The conclusion to be drawn as to the effect of the plague upon the social, industrial and official affairs of the Empire is clear and irrefutable.[2] It

[1] The mortality in Alexandria from the plague, which Gibbon refers to, is his conclusion from a statement of Dionysius, Bishop of Alexandria. Niebuhr claims that Gibbon is mistaken in his calculations and that two-thirds of the population of Alexandria, approximately 400,000 people died.

Niebuhr, *Lecture* cxl, page 767.

Eusebius, *Histor. Eccles.* vii, 21.

Gibbon, Chap. X, page 571.

[2] Edward Lucas White, in his historical novel, *The Unwilling Vestal*, heretofore referred to, makes this interesting statement as to the effects of the plague of the Antonines:

"The next year was the year of the great pestilence. Pestilence, indeed, had ravaged Italy for five consecutive summers previous to that year. But the great pestilence, for two centuries afterwards spoken of merely as "the pestilence," fell in the nine hundred and nineteenth year after the founding of Rome, the year 166 of our era, when Marcus Aurelius and Lucius Verus had been co-Emperors for a little more than five years. It devastated the entire Empire from Nisibis in upper Mesopotamia to Segontium opposite the isle of Anglesea. Every farm, hamlet and village suffered; in not one town did it leave more than half the inhabitants alive; few cities escaped with so much as a third of the popu-

was unquestionably as marked and as permanent as the effect of the Black Death in England in the fourteenth century in which the mortality was probably no higher.

With one-half or at least a large portion of the population killed off, it was but natural that Marcus Aurelius, the Severi, and other Emperors should deem it advisable to arrange terms with Barbarians under which the latter came into the

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lation surviving. Famine accompained the pestilence in all the western portions of the Roman world, and from famine perished many whom the plague had spared.

"This disaster was, in fact, the real deathblow to Rome's greatness and from it dates the decline of the Roman power. . . .

"The great pestilence of 166 so depleted the population that Rome never again pushed forward the boundaries of her Empire. Some lucky armies won occasional victories, but Rome never again put in the field an overwhelming army for foreign conquest, never again could fully man, even defensively, the long line of her frontiers.

"All classes of the people suffered, but most of all the rich, the well-to-do, the educated and the cultured classes of the towns and cities. And the main point of difference between the great pestilence and the others which had preceded it was the universality of its incidence. . . . The great pestilence left no district unharmed. In six months it killed off all the brains and skill, all the culture and ingenuity in the Empire. There were so few capable men left in any line of activity that the next generation grew up practically untaught. In all the Mediterranean world, until centuries later, descendants of the savage invaders developed their new civilization on the ruins of the old, no man ever again made a great speech, wrote a great book or play or poem, painted a good picture, carved a good statue, or contrived a good campaign or battle. The brains of the Roman world died that year, the originality of the whole nation was killed at once, the tradition broke off."

Empire, cultivated the fields and occupied the abandoned cities. Nor was it surprising that they should in such extremities recruit from Barbarian sources to fill the depleted ranks of the legions. By the introduction of such large numbers of alien races into the population of the Empire, there were created problems similar to those which we in America have had to face and which we now face, by reason of the millions of foreigners who have been added to our population.

Rome had no general system of public education to instill into these new citizens the principles and ideals of Roman civilization and when dangers and evils caused by the infusion of alien populations manifested themselves, efforts were made to correct them by the enactment of laws. In the codification of Theodosius, one can almost see these Barbarian tribes coming in vast numbers into the Empire, both as invaders and immigrants. Every new condition thus produced required a new law and every new law required a new official or bureau to enforce it. Finally the machinery of government became so cumbersome and so complicated that in the increasing incapacity and disorganization of the times it almost ceased to function at all.[1]

[1] This is one of the dangers that confront the American people today. The practice of creating a new bureau or commission to deal with every new problem of government or to correct every real or imagined evil is likely to give to us a vast and burdensome bureaucracy that will prove to be more of an evil than those which it was created to correct. We should leave the solution of some of our problems to the people without the aid of official direction.

There seemed to be no lack of realization of evils and no lack of desire on the part of the Imperial authority to correct them. But the efforts seem to have come mainly from the top and principally in the form of legislation.

Many of these efforts to legislate virtue and industry into the people, and prosperity into trade and commerce, are of interest and importance, but only one series of laws can be considered here. The existence of the collegia or guilds formed by those in various trades, occupations and employments has already been referred to. Under Augustus and his successors during the first and second centuries they were tolerated with a mildly repressive policy. But in 230 A.D. Alexander Severus gave them a distinctly legal status, something in the nature of our public utilities, by requiring all to become incorporated. In connection with this legal recognition, they were given a monopoly of their respective trades or businesses and required to perform certain public services free of charge. Thus the importers of grain, organized as a collegium or guild, were given the sole right to import grain, and required to do what the government had theretofore done—furnish grain to the poor free of charge. The compensation for this free distribution was secured by an increased charge against the general public. Each member of the collegium was proportionately bound to the performance of this public duty on the basis of his capital and business transacted.

When men, finding this law burdensome, sought to withdraw from the guild, a law was enacted prohibiting the withdrawal of capital once invested in the business and of profits arising therefrom. When men abandoned their property to escape its burdens, the responsibility was transferred to the remaining members of the organization and to anyone who should purchase the property of a member. And when these measures seemed likely to fail, the enrolling of men of means in such organizations, with their property liable for the duties imposed, was made compulsory. In 270 Aurelian made membership in the collegia compulsory for life and increased the number engaged in public service by providing for free distribution of wine, pork, oil and salt, and bread in place of wheat.

In the next century every member, all his sons and all his property, were inalienably attached to the collegia and by an act of 369 all of a man's property, however acquired, was declared to be the property of the organization of which he was a member. When members sought to escape the burdens thus imposed by flight, by joining the army or a minor collegium, or even by selling themselves into slavery, acts were passed[1] requiring that not only one's sons but one's sons-in-law should become members of the collegium of their father or their wife's father and all their property become liable for the performance of its official duties. And thus was the right of private owner-

[1] 380 A.D. 408, A.D.

ship of property practically brought to an end, thus did "the Empire become an immense gaol where all worked not according to tastes but by force."[1]

Dill, one of the ablest commentators on conditions during the later Empire says:

> Not only has an Oriental monarchy taken the place of the principate of Augustus, but an almost Oriental caste has made every social grade and occupation practically hereditary, from senator to water man on the Tiber or the sentinel at the frontier post; and human nature is having its revenge in wholesale flight from a cruel servitude.[2]

The butcher, the baker, the freighter, the sailor, the importer, the wine dealer, all who touched in any way the service of the public were bound to their calling from generation to generation.[3] Fur-

[1] The origin and development of the collegia and the effect that they had upon social, official and economic conditions when under the laws referred to they had in effect become public agencies, is ably and comprehensively considered in a work, *Corporations Professionelles* by F. P. Waltzing, of the University of Louvain. This work is in French and has not been translated for publication. I have been unable to find any work in English dealing in a comprehensive way with this subject. Various phases of the collegia and their influence on Roman life are interestingly discussed in a general way in *Janus in Modern Life* by W. M. Flinders Petrie; in *The Common People of Ancient Rome* by Frank Frost Abbott; in *The Economic History of Rome* by Tenney Frank and in Dill's *Roman Society in the last Century of the Western Empire.*

[2] Dill's *Roman Society in the Last Century of the Western Empire,* Book III, Chapter 1, page 190.

[3] Dill's *Roman Society in the Last Century of the Western Empire,* Book III, Chapter 1, page 194.

ther, the members of the municipal senates, the *Curiales*, were organized by law into collegia and made responsible with all of their property for the performance of public duties, including the collection and return to the Imperial government of all taxes.

With the decline of the population by reason of the plague and other causes, with the increase of the number of exemptions to soldiers and priests of the old and the new religions, the collection of the taxes became yearly a more difficult problem. The result was a demoralization of municipal government which had theretofore been one of the strengthening and sustaining influences of the Empire. The *Curiales*, like the members of other collegia, abandoned their duties, their homes and their ruined estates and tried to hide themselves in the army, the religious orders or even among the serfs and slaves. "The flight of the *Curiales*," said Dill, "was quite as menacing a danger of the later Empire as the inroads of the Barbarians."

To complete the economic and industrial straitjacket, Diocletian issued in 301 the famous edict of prices which, engraven on stone, was set up in every market place throughout the Empire. A maximum price was fixed for every commodity of trade and a maximum wage for every service whether by a common laborer, an experienced lawyer or physician. There was but one penalty for a violation by a charge in excess of the official price list and that was death, both for the one who asked

it and the one who paid it. Trade was thus forbidden to fluctuate and no allowances were made for differences of conditions of production or transportation. This and other untoward influences practically ruined the commerce of the Empire. The depreciation of the currency strongly contributed to bring about a return to a system of barter and men no longer bought and sold on credit or with the aid of money.[1]

Nor did this effort to establish a caste system in industry end with those occupations devoted to trade and commerce. Marcus Aurelius and the two Severi, Septimus and Alexander, had settled Barbarians on Roman soil on condition that they should render military service in lieu of rent and this caste system in agriculture was also made hereditary. Each tract of land had to furnish a recruit. Constantine, to insure the effective working of this system, bound all the tillers to the soil in hereditary bondage forever. Thus was established the system of serfdom which was to continue down through the Middle Ages.

These laws establishing a system of caste, destroying the right of private ownership of property, denying to a man of talent and ability the right to advancement or extra reward for his services, brought upon the Roman world a social, industrial and economic breakdown that was the natural result of these efforts to run counter to the inflex-

[1] Dill's *Roman Society in the Last Century of the Western Empire*, page 211.

ible rules of human nature and the inexorable laws of supply and demand. Then, as always in the history of the world, have such efforts not only failed but produced a melancholy train of misery and misfortune. Hope and ambition were banished from the hearts and minds of men.[1]

With the municipal system of the Empire in hopeless disorganization and with industry and commerce in a condition of stagnation, with a people grievously burdened with the expense of an ever enlarging bureaucracy corrupt and inefficient, with slavery, immorality and vice more dangerous and insidious in their influences than ever before, the Western Empire, in the middle of the fifth century, presents a gloomy picture for the consideration of the student and the historian. And, to increase the distress and misery, a terrible famine swept western Europe in 450. Parents sold their children into slavery, tombs were plundered for things to sell for food, brigandage increased till life and travel were no longer safe along the highways or within the cities, pirates again sailed the seas and desertions from the army were frequent and numerous.[2]

Civilization and government had about broken

[1] The overwhelming tragedy of the age was not the result of violent and sudden calamities. It was prepared by the slow, merciless action of social and economic laws, deepened by the perverse energy of government and the cupidity and cruelty of the rich. Dill, *Roman Society in the Last Century of the Western Empire*, page 203.

[2] Dill's *Roman Society Last Century of Western Empire*, page 202.

down, and through ravages of disease and the large infusion of alien races in the last two centuries, the old Roman stock was so sadly reduced in numbers that efforts and appeals by the Imperial authority for reform failed to secure a response from the people. There should be no surprise, then, that an Empire so grievously affected was unable to meet successfully the problems and dangers that confronted it. In the second, third and fourth centuries invasions by large hosts of Barbarians had been beaten back and their armies defeated, but now the government was unable to restrain or defeat the smaller plundering bands of Barbarians which helped to produce confusion and disorder and which finally sacked the Imperial city and brought to an end the existence of the Imperial government. There was no resistance from the civil populations to these Barbarian bands for they felt that no change in authority could make worse their condition.

So the "fall of Rome" was not a fall at all. It was the result of a social, political and economic breakdown such as we have witnessed in our own time in Russia. And it is an interesting coincidence that as socialism caused or largely helped to cause the breakdown of civilization in the largest Empire of modern times, so socialism largely contributed to the breakdown of civilization in the greatest Empire of the ancient world. The "fall of Rome" was not such a "fall" as that incident to the Norman conquest in England or that of the

Manchus in China. It came as the result of social disorganization and decay produced by infusion of alien populations, a disregard of moral and economic laws and the failure to provide proper methods for restoring the natural wear and tear of a highly organized government and society.

And yet when considered even in this light and with due regard for all disorganizing and destructive influences, there is something in the breakdown of a highly developed civilization, the retrogression of a great people, and the fall of a great Empire that baffles comprehension. While all the causes of social and official disintegration can usually be accepted as constituting the explanation of the final result, yet all of these combined do not furnish a satisfying explanation as to why Rome proved unequal to her problems in the third, fourth and fifth centuries, and equal to them in the first and second.

The same difficulty arises in finding a satisfying explanation for the periods of achievement and retrogression of other nations and peoples. What caused the Huns, who seemed so formidable and who so seriously threatened the Roman Empire in the middle of the fifth century, to vanish from the page of history and to be heard from no more? What happened to the Mongols, who overran Asia, Persia and eastern Europe in the thirteenth and fourteenth centuries and seemed almost invincible, that they drew back to the territory from whence they came and lived again in the squalor and inac-

tivity of their villages on the plains of eastern Asia? What were the mysterious influences that caused the Turks, who established their authority in western Asia and up even to the gates of Vienna in the fifteenth century, to prove so unequal to the work of effectively organizing or maintaining what they had won by their energy and their valor? Why was it that the Spaniards, after a century of intense activity and achievement, when their discoverers and their soldiers gave to the world a new continent and their armies marched undefeated up and down Europe, sank into the position of a second rate power, from which they have never emerged?

After all our explanations, after giving due consideration to all the causes of disintegration and decline, there is something of mystery that baffles comprehension when the spirit, determination and capacity for achievement that have characterized a great people vanish from their lives. Thus must the story of the greatness and the fall of Rome always remain not only a great romance, but one tinged with the added interest of a great mystery. Can we explain it on the theory so often advanced that empires and societies have periods of youth, maturity and old age and that thus the downfall of Rome is to be regarded as no more of a mystery than the death of an individual? That has been a favorite as it is an easy explanation. But it does not accord with the facts.

The analogy between the existence of society and

the life of an individual is superficial and inexact.[1] There is no reason why society and government should not continue from century to century if we will learn the lessons of history and direct our efforts and activities in harmony with natural laws. The forces and influences that make for conservation and growth must be maintained in the ascendancy over these that make for deterioration and decay. It is depressing to feel that all efforts to establish and maintain enduring social and official systems must fail, as it is inspiring to think that through representative government, social and industrial justice, education along proper lines, and the mastery of the forces of nature through applied science, our civilization can continue unaffected by the periods of old age and decay which limit the lives of its members.

An effective refutation of the theory of the youth, maturity and old age of nations and societies is found in the very record of Roman history which has so often been cited in its support. Though the task which confronted Augustus in the last half century of the Pagan Era was not as difficult as the task which would have confronted him had he lived in the middle of the fifth century,

[1] A most interesting and able discussion of this question is to be found in an address by Arthur J. Balfour, entitled *Decadence* and the equally able and interesting comment thereon by Theodore Roosevelt in a letter to Mr. Balfour, which is published in John Bucklin Bishop's collection of Colonel Roosevelt's writings. Mr. Balfour's address is published in a collection of his addresses and essays.

it was sufficiently difficult and the outlook sufficiently dark to emphasize the fact that but for the work of regeneration and reform that he accomplished the breakdown of western civilization would not have been postponed five hundred years. In the correctness of this conclusion, we find, in my opinion, one of the most hopeful lessons to be found in the history of Rome. For Rome developed no evils or weaknesses in the "old age" of her government and civilization that we cannot confidently hope to correct by the enlightened methods of government, education and science of the Twentieth Century. In teaching this lesson, Rome serves the world in her mistakes and fall as well as in her successes and achievements.

Though the government of the Roman Empire came to an end, though the civilization which it created and maintained sank into the chaos and misery of the Middle Ages, Rome was too big and potent a fact for her influence and meaning to be lost to the world. Though the original Roman stock was depleted and proportionately small, the Latin language in its various modifications continued to be the language of western Europe; and in the various languages developed from it, the world has been given literature as fine as the orations of Cicero or the verses of Virgil and Horace. Roman law, whose privileges conquered races and alien immigrants had so eagerly sought to secure, became the basis of the legal codes of half the world and Rome's form of government influenced the

organization of the Republics and constitutional monarchies of Europe and America. The idea of dominion and Imperial power, which her last five centuries emphasize, also continued and found expression in the Roman Catholic Church and the Holy Roman Empire. But separate and distinct from these concrete manifestations, the tradition of Rome as an Imperial organization and authority will always remain a symbol as monumental and as visible as the ruins of the Colosseum to challenge the interest and the admiration of the world.

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